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Report of the Working Group on the Universal Periodic Review*

Mali

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of Mali was held at the 4th meeting, on 16 January 2018. The delegation of Mali was headed by the Minister of Human Rights, Kadidia Sangaré Coulibaly. At its 10th meeting, held on 19 January 2018, the Working Group adopted the report on Mali.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Mali: Japan, Slovenia and South Africa.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Mali:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/MLI/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/MLI/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/MLI/3).

4. A list of questions prepared in advance by Belgium, Brazil, Czechia, Germany, Liechtenstein, Portugal, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Mali through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of Mali explained that the submission of its national report for the third cycle of the universal periodic review had taken place in a particularly challenging context, characterized by insecurity, terrorism and transnational organized crime.

6. The report described the changes in Mali with regard to the promotion and protection of human rights over the past five years. It presented and analysed changes in the legal and institutional framework, follow-up to the recommendations and commitments made during the universal periodic review of 2013, achievements and best practices, and obstacles to the promotion and protection of human rights.

7. Legal and institutional developments had included the review and adoption of legislation and regulations, in particular the Act establishing the National Human Rights Commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and the Act amending the Constitution. After consulting the country's leaders, the President had decided to postpone holding a referendum.

8. The Human Rights Defenders Act, adopted by the National Assembly after considering the concerns of organizations for the defence of human rights, had recently been promulgated. The Act clearly defined the rights and responsibilities of human rights defenders and the measures the State must take to protect them.

9. The delegation highlighted the establishment of a ministry responsible exclusively for the promotion and protection of human rights and of an emergency programme for strengthening the justice system. It also noted the implementation of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process.

10. Mali was a de facto abolitionist country and observed a moratorium on the death penalty. No executions had been carried out since the 1980s. The death sentences that had been handed down had been systematically commuted to life imprisonment.

11. Significant action had been taken to combat impunity, including the trial of several members of the military junta that had mounted a coup d'état in March 2012, the conviction by the International Criminal Court of Ahmad Al Faqi Al Mahdi for war crimes in the north of Mali and the conviction by an assize court of Aliou Mahamane Touré, a former chief of the Islamic police, for serious human rights violations. Mali had also taken steps to prosecute members of the security forces implicated in human rights abuses and to support the establishment of an international commission of inquiry to investigate war crimes, crimes against humanity, sex crimes and other serious violations of international human rights law and international humanitarian law. The Ministry of Justice, for example, had launched investigations in the regions where human rights violations had been reported by organizations for the defence of human rights, and the Minister had instructed the public prosecution services in Bamako and Mopti to open investigations into accusations made in a number of published reports against the armed forces and the security forces. In addition, a special police unit accompanied each company deployed in areas of conflict. Those units, made up of appropriately trained gendarmes and criminal investigation officers, were responsible for ensuring respect for human rights and international humanitarian law.

12. The delegation stated that the Government had embarked on a reform of the security sector aimed at addressing the issues and challenges related to terrorism and transnational crime. In that connection, it referred to the Military Guidance and Planning Act and the Internal Security Planning Act. The Government had also intensified its efforts to train and equip the military and had established a judicial office and units specializing in combating terrorism and organized crime. Lastly, it had strengthened cooperation by the Armed Forces of Mali, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the forces of Operation Barkhane and the Group of Five for the Sahel in the fight against terrorism and transnational organized crime.

13. The lack of security had prevented many students in northern and central Mali from attending school. As a result, children from some communities had been transferred to other schools, and special examinations had been organized in the places where the children were located. Plans had also been made to take stronger security measures, in accordance with the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

14. Two bills on the rights of women and children were being drafted: the first concerned gender-based violence, while the second concerned child protection. The enactment of those two bills would remove discriminatory provisions from the Personal and Family Code and criminalize female genital mutilation and other forms of gender-based violence.

15. Considerable efforts had been made to combat the worst forms of child labour, including the use of children in armed conflict. Child members of armed groups had received assistance, for example, within the framework of disarmament, demobilization and reintegration activities, which were a critical component of both the immediate stabilization of Mali and its short-, medium- and long-term development.

16. Improved cooperation with international human rights mechanisms had been facilitated by the establishment of a committee to monitor the preparation of the national report for the universal periodic review in 2017. In addition, an interministerial committee had been set up in 2009 to support the preparation of initial and periodic reports on the implementation of the international treaties ratified by Mali. In addition, the Government's programme of work for the first half of 2018 included plans for the establishment of a single mechanism for the preparation of reports and for follow-up to treaty body recommendations. The mechanism would work closely with the Directorate General for Human Rights, also to be established.

17. All those initiatives reflected the commitment of Mali to work for peace and national reconciliation while ensuring full respect for human rights.

18. In its current context of vulnerability, Mali nonetheless faced challenges, in particular security concerns and lack of financial resources.

19. Presidential, legislative and municipal elections had been held during the reporting period, which had also seen the culmination of the negotiations with armed groups that had led to the signature in 2015 of the Agreement on Peace and Reconciliation in Mali. Despite the prevailing insecurity, significant progress had been made in implementing the Agreement. The Agreement Monitoring Committee and the National Coordinating Committee for the Implementation of the Agreement — the latter having been superseded by the high representative of the President — had been put in place to facilitate the implementation of and follow-up to the commitments made with the various stakeholders.

20. Mali would respect all the commitments it had made as part of the Agreement, as it was convinced that there was no credible alternative to a peaceful path to a lasting settlement of the crisis. Given the challenges related to the implementation of the Agreement, Mali hoped to receive technical and financial assistance. National human rights institutions and civil society organizations deserved particular attention with regard to capacity-building and technical assistance in view of the role they were called upon to play in promoting and protecting human rights.

21. The delegation expressed appreciation for the invaluable efforts made by the international community to help Mali emerge from the multidimensional crisis and highlighted the excellent cooperation with the United Nations that had been made possible by MINUSMA and the Independent Expert on the situation of human rights in Mali, who had just made his ninth visit to the country.

22. Mali stood ready to cooperate fully with all special procedures mandate holders of the Human Rights Council and undertook to give careful consideration to any requests for visits by such individuals. The Government had recently invited several special rapporteurs to visit Mali, including the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

23. Lastly, Mali reiterated its commitment to the universal periodic review.

B. Interactive dialogue and responses by the State under review

24. During the interactive dialogue, 78 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

25. Mauritania expressed appreciation for the efforts made by Mali to protect women's rights and to combat gender-based violence, extrajudicial executions and torture. It welcomed the State's commitment to the promotion of peace and national reconciliation and its efforts to ensure the enjoyment of the right to an adequate standard of living. Mauritania called on the international community to continue supporting Mali.

26. Mauritius welcomed the establishment of the National Human Rights Commission, in 2016, action plans for the national policy on human rights and for the national policy on transitional justice for the period 2017–2021, and measures to protect the rights of women and children. Mauritius supported the call made by Mali to the international community for capacity-building and technical assistance.

27. Mexico recognized the willingness of Mali to cooperate with the Independent Expert and trusted that such cooperation would be extended to all United Nations mechanisms. Mexico also welcomed the State's efforts to implement the peace agreement and the human rights and transitional justice policies.

28. Montenegro commended the establishment of the National Human Rights Commission. It noted that female genital mutilation was still a challenge, and regretted the lack of statistics and studies on gender-based violence and the lack of adequate resources to implement the national action plan to combat female genital mutilation. Montenegro noted concerns regarding the revised Personal and Family Code and encouraged Mali to amend it.

29. Morocco welcomed the engagement of Mali regarding the re-establishment of the rule of law, the fight against impunity, and human rights protection. It welcomed the creation of the National Human Rights Commission and the Truth, Justice and Reconciliation Commission. Morocco encouraged Mali to continue its efforts against human trafficking.

30. Mozambique welcomed the efforts of Mali to implement the peace agreement. It praised Mali for the Constitutional review process undertaken with a view to bringing the Constitution into line with the provisions of the peace agreement. Mozambique noted that a moratorium on the death penalty was in place.

31. Namibia commended Mali for the progress that had been made despite the challenges posed by the conflict. Namibia welcomed the State's commendable human rights-related initiatives, including the establishment of a ministry responsible for human rights. Namibia urged the international community to assist Mali.

32. Nepal recognized the challenges faced by Mali in recent years owing to the armed conflict. It welcomed the establishment of the National Human Rights Commission and the Ministry of Human Rights and State Reform. While welcoming the transitional justice policy, Nepal indicated that combating female genital mutilation was crucial. Nepal stated that Mali deserved the support of the international community in its efforts.

33. The Netherlands welcomed the reform of the National Human Rights Commission. It regretted that no human rights perpetrators had been prosecuted. The Netherlands called on Mali to improve the state of prisons and how the defence and security forces acted in order to prevent violent extremist groups from gaining more ground in an already vulnerable environment.

34. Norway stated that the development of the human rights situation in Mali depended on all signatories to the peace agreement. Norway was particularly concerned by the continued impunity for violence against women, including female genital mutilation, and the disastrous effects of the crisis on the realization of the right to education.

35. Paraguay welcomed the cooperation of Mali with the Independent Expert. It encouraged Mali to continue fighting against the impunity of perpetrators of serious human rights and international humanitarian law violations. Paraguay expressed concerns regarding the persistence of harmful traditional practices and stereotypes and at the high number of victims of female genital mutilation.

36. Poland welcomed the adoption of the act aimed at promoting gender equality in access to appointed and elected positions. It expressed concern at reports that counter-terrorism operations by the Malian defence and security forces had led to human rights violations, including enforced disappearance and arbitrary detention.

37. Portugal welcomed the State's efforts to establish the National Human Rights Commission in line with the Paris Principles. It noted that Mali had a moratorium on executions. Portugal was concerned at reports of impunity.

38. The Republic of Korea expressed appreciation for the efforts made by Mali in setting up the Truth, Justice and Reconciliation Commission and in strengthening its judicial system. It welcomed the cooperation of Mali with the international community in efforts to improve the situation in northern Mali. It supported the State's efforts through various programmes.

39. Rwanda commended Mali for its efforts to restore State authority on its territory. It encouraged Mali to enhance efforts to combat discrimination and violence against women, including by implementing relevant laws and eliminating any loopholes in national legislation that might undermine the protection of women's rights.

40. Senegal noted efforts by Mali to improve the human rights situation in the country despite the terrorist attacks. It welcomed measures to fight impunity, including in connection with violence against women and girls. Senegal welcomed the establishment of the National Human Rights Commission in accordance with the Paris Principles.

41. Sierra Leone welcomed the State's commitment regarding transitional justice and the establishment of the Ministry of Human Rights and State Reform and the National Human Rights Commission. It noted that Mali had requested technical assistance to address challenges in the implementation of the peace agreement, to draft reports and to implement recommendations made by treaty bodies and during the universal periodic review process.

42. Slovenia noted that the national report had been submitted in the context of the implementation of the peace agreement. It also noted the introduction of several bills to bring national legislation into conformity with international human rights instruments.

43. South Africa welcomed the measures taken by Mali to promote and protect human rights, including the adoption of the national human rights policy and action plan; the national transitional justice policy and action plan and the strategic framework for economic recovery and sustainable development.

44. The State of Palestine commended Mali for its efforts to strengthen human rights protection in the country and highlighted the importance of ensuring equal treatment and non-discrimination for women. It stated that it was important that the Government of Mali did not yield to the pressure of religious and conservative groups, in particular regarding revisions of the Personal and Family Code.

45. The Sudan commended Mali for its cooperation with the international community and engagement with the universal periodic review mechanism, despite the security situation, and for establishing a committee on follow-up to the recommendations made under the 2008 review.

46. Sweden welcomed the steps taken to increase the participation of women in decision-making. It noted, however, that impunity for perpetrators of human rights violations persisted despite the acceptance by Mali of recommendations made during the previous review to hold them accountable.

47. Switzerland noted that, despite the signature of the peace agreement in 2015, the internal conflict had intensified and the general situation had worsened, with continued human rights violations. Switzerland regretted that no legislation prohibiting female genital mutilation had been adopted and that, despite the fact that the death penalty had not been applied since 1980, new death sentences had been pronounced.

48. Timor-Leste welcomed the establishment of the Ministry of Human Rights and State Reform and the adoption of national policies on human rights and transitional justice. It noted in particular the State's efforts to eradicate female genital mutilation and the adoption of legislative measures to promote gender equality.

49. Togo, while acknowledging persistent challenges, welcomed the progress achieved by Mali since the submission of its report for the previous review, in particular the re-establishment of State authority on all national territory.

50. Tunisia commended the efforts made by Mali to implement the recommendations from the previous review, in particular regarding the establishment of a normative and institutional framework to protect human rights and the creation of the national human rights institution.

51. Turkey condemned the serious human rights violations committed by armed groups in northern Mali and appreciated the State's approach to the issue of internally displaced persons from that area. It welcomed the efforts made by Mali to strengthen democratic institutions and stated that it would continue to assist Mali in those efforts.

52. Ukraine welcomed the national policies on human rights and on transitional justice. It encouraged Mali to continue implementing, with the support of the international community, the peace agreement.

53. The United Kingdom noted that further progress was needed towards implementing the peace agreement and that investigations should be undertaken regarding human rights violations by armed forces. It underscored that public commitment by Mali to the elections in 2018 was needed and that more should be done to ban female genital mutilation and reopen schools in areas affected by conflict.

54. The United States of America expressed concern about the deterioration of the human rights situation throughout Mali, noting that many challenges stemmed from the failure to implement the Algiers peace agreement of 2015, and the failure of the authorities to prevent abuse perpetrated by terrorist organizations. It also expressed concern about allegations that serious human rights violations had been perpetrated by Malian security forces.

55. Uruguay commended Mali for the ratification of almost all of the international human rights instruments and for its efforts to eradicate female genital mutilation. It noted, however, that further efforts were needed to improve gender equality.

56. The Bolivarian Republic of Venezuela welcomed the establishment of the National Human Rights Commission and the implementation of socioeconomic development programmes to improve the realization of the right to health. In its view, the international community should continue to assist Mali in that regard. It called on Mali to continue consolidating peace and to strengthen its measures to support women and children.

57. Viet Nam welcomed the progress achieved in the protection and promotion of human rights in the current difficult context, in particular the adoption of socioeconomic development plans. It also welcomed the signature of the peace agreement, and called on all parties to implement the agreement. Viet Nam called on the international community to support Mali in its efforts.

58. Zambia commended Mali for the human rights training provided to law enforcement officials and judges, and welcomed the creation of the national action committee on the eradication of practices harmful to women and children and the adoption of the national programme to combat female genital mutilation.

59. Algeria welcomed the State's constructive engagement with the Human Rights Council, the progress achieved regarding the implementation of the Algiers peace agreement, the ratification of international human rights instruments and the adoption of a number of programmes, plans and sectorial strategies.

60. Angola welcomed the State's cooperation with human rights mechanisms, the adoption of national policies on human rights and transitional justice and the establishment of the National Human Rights Commission. It noted with concern the high number of displaced persons and the closure of many schools owing to the armed conflict.

61. Argentina commended Mali for its accession to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. It also welcomed the measures adopted to implement the peace agreement.

62. Australia was concerned about the welfare of vulnerable children, at reports of killings of detainees, torture of suspects and mock executions and ill-treatment of prisoners, and that the death penalty remained part of the law and was a mandatory sentence for some crimes.

63. Austria highlighted the importance of strengthening the rule of law and the independence of the judiciary, and expressed concern about the persistence of discrimination against women and gender-based violence. Austria stated that victims should receive reparation.

64. Bangladesh commended Mali for its efforts to protect human rights despite the security challenges it faced. It welcomed measures taken to ensure the administration of justice. Bangladesh expressed confidence that Mali would be able to overcome the existing challenges and fulfil its national development plans with assistance from the international community.

65. Belgium expressed awareness of the challenges that Mali faced in the fight against terrorism and welcomed the commitment of the Joint Force of the Group of Five for the Sahel to respect human rights. Belgium also welcomed the adoption of the law on quotas for women in political and public life.

66. With regard to efforts to combat impunity, the delegation stated that, with the support of partners such as MINUSMA, a programme had been set up to restore justice in

the north of the country. Courts destroyed in the aftermath of the events of 2012 had been rebuilt, and justice was again being administered throughout the country. In addition, Mali was seeking to bring into operation the International Commission of Inquiry provided for in the Agreement on Peace and Reconciliation.

67. The delegation noted that a permanent secretariat had been set up to monitor the implementation of the National Gender Policy and a high-level council on the National Gender Policy had also been established. In addition, the number of female communal councillors in Mali had risen from 9 per cent in 2009 to 25 per cent in 2016.

68. The delegation stated that a preliminary draft of a bill on gender-based violence was in the process of being adopted and that over 8,000 cutters in more than 12,000 villages had decided to stop performing female genital mutilation. In addition, a public awareness day was held every year on 6 February to encourage people to give up the practice of excision.

69. With regard to child soldiers, the delegation referred to a 2013 instrument for the prevention, protection and return to their families of child members of armed forces and related groups, the adoption of a document with the support of the United Nations Children's Fund (UNICEF) and the adoption of Act No. 2016-058 of 2016, the Wards of the State Act.

70. Act No. 21-2017 had amended the Labour Code to raise the minimum age of employment from 14 to 15.

71. Mali had adopted a law designating the National Human Rights Commission as its national mechanism for the prevention of torture. As such, the Commission would conduct regular visits to places of deprivation of liberty. Mali had also begun building new prisons to relieve overcrowding.

72. Benin expressed appreciation for the efforts taken by Mali to re-establish democracy and the rule of law. It urged Mali to take further action to promote and protect human rights and invited the international community to provide Mali with support in those efforts and for social and economic development.

73. The Plurinational State of Bolivia expressed appreciation for the efforts of Mali to bring about peace and reconciliation, including among State structures, public bodies, national human rights institutions and civil society organizations.

74. Botswana commended the continued efforts of Mali to strengthen democratic institutions and restore the constitutional order. It welcomed in particular the adoption of the law on the establishment of the National Human Rights Commission, as well as measures to protect the rights of children.

75. Brazil expressed its support for the establishment of the Truth, Justice and Reconciliation Commission. It remained concerned about the persistent security challenges in the northern and central areas of the country and the increased number of attacks against civilians, and their negative impact on the enjoyment of human rights by women and children.

76. Burkina Faso welcomed the transitional justice process and the peace agreement. It urged all parties to redouble their efforts for their quick and integrated application. It called on the international community to support Mali with the technical assistance requested.

77. Cabo Verde welcomed the establishment of the National Human Rights Commission and the Ministry of Human Rights and State Reform, and the adoption of measures to promote gender equality. It urged the international community to continue supporting the implementation of the peace agreement.

78. Canada welcomed the creation of the National Human Rights Commission and the signing of the peace agreement. Canada asked how Mali planned to speed up the implementation of the agreement, and expressed concern about the impact that the deteriorating security situation in central Mali had on human rights.

79. Chad welcomed the creation of the National Human Rights Commission, which also served as the national preventive mechanism. It expressed appreciation for the strengthened efforts to eradicate female genital mutilation and for measures taken regarding economic

and social rights. Chad called on the international community to support the strengthening of national capacities in relation to security, justice and human rights.

80. Chile expressed appreciation for the adoption of the national policies on human rights and on transitional justice and for the establishment of the Ministry of Human Rights and State Reform. Chile urged Mali to continue to cooperate with the Independent Expert and OHCHR and to implement recommendations on human rights.

81. China welcomed the progress made by Mali towards peaceful reconciliation. It also welcomed efforts to promote and protect standards of living, health and education, to combat violence against women and human trafficking and to protect the rights of women, children and persons with disabilities.

82. Côte d'Ivoire welcomed the adoption of policies and plans of action on human rights and transitional justice and the establishment of the Ministry of Human Rights and State Reform. Côte d'Ivoire encouraged Mali to continue its reforms in order to address the persisting challenges to the promotion and protection of human rights.

83. Croatia welcomed the establishment of the National Human Rights Commission. It remained concerned about the indiscriminate attacks committed by armed extremist groups in northern and central Mali. Croatia called on Mali to strengthen its commitment to a peaceful resolution of the armed conflict while respecting human rights and the rule of law.

84. Cuba noted that, despite the terrorist attacks, Mali had made progress in combating human trafficking and implementing the strategic framework for economic recovery and sustainable development. Cuba urged the international community to continue supporting Mali in accordance with the country's capacity-building priorities.

85. Czechia thanked Mali for replying to its questions, acknowledged the progress made in some human rights areas and encouraged Mali to continue its efforts.

86. Denmark commended the progress made in the area of human rights training for Malian security forces and efforts to include provost marshals in field operations to ensure respect for international humanitarian law. Denmark was concerned about discrimination against women and girls and discriminatory provisions in the Persons and Family Code that allowed for the abuse of women and young girls by their husbands.

87. Ecuador commended Mali for its adoption in 2015 of the act by which it introduced measures to promote gender equality in access to appointed and elected office, in particular a minimum quota of 30 per cent for each gender.

88. Egypt commended the harmonization of Malian legislation with international instruments, the strengthening of the judicial system and transitional justice, the fight against impunity, the implementation of economic and social development projects, including on the rights to health, to education and to an adequate standard of living, and the State's cooperation with the Independent Expert.

89. Estonia invited Mali to reduce its backlog of reports that were pending submission to the treaty bodies and to consider issuing a standing invitation to all special procedure mandate holders. It commended the adoption of human rights policies and plans of action on human rights and transitional justice. Estonia called on Mali to investigate allegations of human rights violations and abuses and to hold perpetrators accountable.

90. Ethiopia welcomed the adoption of the national policy on human rights and the establishment of the Ministry of Human Rights and State Reform. It called on the international community to strengthen support to Mali, and for the capacities of State and non-State actors working in the human rights field to be strengthened.

91. France noted that even though freedoms were generally guaranteed in Mali, the situation of women, the dysfunctional judicial apparatus and certain types of behaviour by defence and security forces remained a concern. France expressed regret that most of the recommendations made in 2013 had not been fully implemented.

92. Gabon welcomed efforts by Mali to introduce a legislative and institutional human rights framework through the adoption of laws to improve the judiciary. It hailed measures

to protect the rights of women and children, in particular the establishment of a programme to combat female genital mutilation.

93. Georgia noted that the death penalty moratorium was respected and that no death sentences had been carried out. It congratulated Mali on the establishment of the Ministry of Human Rights and State Reform, hailing the adoption of a national policy on human rights and the bill on the protection of human rights defenders.

94. Germany commended the progress made by Mali in the field of transitional justice, as reflected by the operationalization of the regional offices of the Truth, Justice and Reconciliation Commission. It welcomed the establishment of a national human rights institution.

95. Ghana lauded the State's continued commitment to respecting human rights. It welcomed the State's accession to international human rights instruments, and commended Mali for successfully harmonizing its national legislation with international instruments.

96. Haiti hailed the establishment of the National Human Rights Commission and the adoption of national policies on human rights and on transitional justice. It noted the creation of the Ministry of Human Rights and State Reform and welcomed the national programme to combat female genital mutilation.

97. Honduras welcomed the adoption of institutional and social reforms to implement the peace agreement, such as the establishment of the National Human Rights Commission and the creation of the Ministry of Human Rights and State Reform, and the national policies on human rights and on transitional justice.

98. Iceland acknowledged the difficult circumstances in Mali and the ongoing efforts to combat terrorism. However, it was deeply concerned about numerous allegations of human rights abuses. It underscored the responsibility of Mali to combat impunity, address those allegations and ensure equal access to justice.

99. India welcomed the establishment of the National Human Rights Commission. It commended Mali on the action plan to combat human trafficking and the related coordinating committee, and encouraged Mali to continue its efforts to eliminate female genital mutilation through educational campaigns and awareness-raising programmes.

100. Indonesia commended Mali on the successful establishment of its National Human Rights Commission in accordance with the Paris Principles.

101. Iraq commended Mali on its efforts to ratify international human rights instruments and implement international commitments, especially with regard to economic and social rights and the rights of the family.

102. Ireland welcomed the establishment of the National Human Rights Commission and the recent adoption of legislation granting a number of rights to human rights defenders. However, it noted that human rights abuses persisted and that the Act on torture was not fully in line with international standards. It remained concerned about continued reports of recruitment of child soldiers by armed groups.

103. Italy welcomed the commitment of Mali to aligning its national legislation with international instruments and its establishment of the Ministry of Human Rights and State Reform. It hailed the adoption in 2015 of an act establishing a gender-based quota of 30 per cent for elected and appointed office.

104. The Lao People's Democratic Republic welcomed the strategic framework for economic recovery and sustainable development, noting that it was aimed at promoting, on the basis of the Sustainable Development Goals set out in the 2030 Agenda on Sustainable Development, inclusive and sustainable development, thereby reducing poverty and inequality, with a view to a unified and peaceful Mali.

105. Latvia welcomed the State's cooperation with the Independent Expert. It expressed regret, however, about the State's lack of cooperation with other special procedure mandate holders. Latvia expressed appreciation for efforts made by Mali to implement measures aimed at eliminating discrimination against women and promoting gender equality.

106. Luxembourg hailed the efforts made by Mali to promote respect for human rights, as reflected by the adoption of the national policies on human rights and on national justice. However, a number of challenges remained, especially in connection with protecting children's rights.

107. Madagascar welcomed the alignment of national legislation with international law. It hailed the establishment of the Ministry of Human Rights and State Reform, and expressed hope that similar efforts would continue. Madagascar called on the international community to support Mali in the implementation of recommendations emanating from the universal periodic review.

108. Maldives welcomed steps taken by Mali to promote and protect human rights, the establishment of the National Human Rights Commission and the commitment to end the practice of female genital mutilation. It hailed the adoption of legislation aimed at promoting gender equality and introducing measures for women to gain access to elected and appointed offices.

109. With regard to allegations of human rights violations committed by the security forces, the delegation stated that Mali had established a military court that had jurisdiction over all crimes of a military nature. In addition, special police units were deployed with units stationed in the field. With partners such as the Office of the United Nations High Commissioner for Refugees, Mali had also produced handbooks for military and security forces personnel on the law of armed conflict.

110. With regard to the protection of human rights defenders, the delegation pointed out that Mali had recently adopted Act No. 2018-003 of 12 January 2018, the Human Rights Defenders Act, which established specific protections for women human rights defenders and women human rights defenders with disabilities.

111. Mali had endorsed Security Council resolution 1325 (2000) on women, peace and security and had developed a second action plan (for the period 2015–2017) relating to the participation of women in conflict management. That instrument had emphasized the importance of the full participation of women, on an equal footing with others, in the prevention and resolution of conflicts. A unit for the implementation of the plan and a monitoring committee had been set up.

112. The Truth, Justice and Reconciliation Commission had been established to help victims gain access to justice and means of redress. It had identified more than 7,000 victims since 2014. The Commission had branches in all the country's regions but Kidal (as a result of the insecurity there), and there were plans for the implementation of a programme to provide reparations for the harm that victims had suffered.

113. An independent high communications authority had been established to ensure respect for freedom of the press, and investigations into the murders and disappearances of journalists had been launched.

II. Conclusions and/or recommendations

114. **The recommendations formulated during the interactive dialogue listed below have been examined by Mali and enjoy the support of Mali:**

114.1 **Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

114.2 **Step up its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and to consider extending a standing invitation to all special procedure mandate holders (Latvia);**

114.3 **Extend cooperation to all special procedure mandate holders (Paraguay);**

114.4 **Improve its cooperation with special procedure mandate holders (Burkina Faso);**

114.5 **Continue its cooperation with the United Nations, other international organizations and human rights mechanisms to overcome remaining constraints and challenges (Lao People's Democratic Republic);**

114.6 **Accelerate efforts to re-establish State authority and the rule of law in all areas of the country, including the northern and central regions (Norway);**

114.7 **Continue bringing the national legislation into line with international human rights standards (Ukraine);**

114.8 **Continue strengthening capacity-building for State and non-State actors working in the human rights field (Lao People's Democratic Republic);**

114.9 **Establish as a priority an effective torture prevention mechanism, in accordance with Mali's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Zambia);**

114.10 **Strengthen the work of the National Human Rights Commission (Sudan);**

114.11 **Strengthen the capacities of the National Human Rights Commission (Togo);**

114.12 **Develop a strategy and allocate the resources necessary to ensure that the national human rights institution fully complies with the Paris Principles (Germany);**

114.13 **Continue strengthening national human rights institutions and mechanisms (Nepal);**

114.14 **Provide the necessary support to the National Human Rights Commission with a view to making it fully compliant with the Paris Principles and allowing it to acquire A status (Morocco);**

114.15 **Strengthen the capacity of State and non-State institutions in dealing with human rights challenges by providing human rights education and training and establishing bilateral cooperation and assistance agreements with other countries (Indonesia);**

114.16 **Investigate allegations of human rights violations committed during the continued crisis in Mali by all parties, including Malian defence and security forces (Norway);**

114.17 **Take the responsibility to combat impunity, address the allegations of human rights abuses committed by the security and defence forces and provide access to justice for all (Poland);**

114.18 **Step up its efforts to ensure all the necessary means to fight against impunity and guarantee that perpetrators of human rights violations are punished (Portugal);**

114.19 **Investigate and adjudicate human rights violations and criminal offences by members of its defence and security forces (Republic of Korea);**

114.20 **Take all necessary measures to ensure impartial and effective investigations by civilian authorities into allegations of crimes under international law, including international human rights law, in order to identify and prosecute those responsible, while ensuring fair trials (Sweden);**

114.21 **Continue the efforts to combat impunity and establish transitional justice in order to achieve reconciliation, security and stability (Tunisia);**

114.22 **Ensure that the perpetrators of serious violations of human rights and international humanitarian law are held accountable (Ukraine);**

114.23 **Take action to prosecute security forces involved in human rights violations (United Kingdom of Great Britain and Northern Ireland);**

114.24 **Investigate credible allegations of human rights abuses and violations, and hold anyone found responsible to account (United States of America);**

114.25 **Deepen the measures taken to investigate and sanction allegations of arbitrary execution, inhuman and degrading treatment, torture and illegal detention (Argentina);**

114.26 **Investigate and monitor all cases of alleged torture, killings and ill-treatment of prisoners, and establish measures to ensure the perpetrators are held to account (Australia);**

114.27 **Expedite all the necessary measures to combat the impunity of perpetrators of serious violations of human rights and international humanitarian law, and ensure victims' access to truth, justice and reparations (Austria);**

114.28 **Implement its commitment to launch formal investigations into recent allegations of human rights abuses by the Malian security forces in Mali (Canada);**

114.29 **Ensure access to justice for victims of the conflict and ensure accountability by bringing to justice all perpetrators of abuses and violations of human rights and international humanitarian law, including sexual violence, and by accelerating the work of the Truth, Justice and Reconciliation Commission (Canada);**

114.30 **Take action to investigate impartially, in a timely manner and thoroughly allegations of torture and extrajudicial execution by military forces, and ensure the accountability of perpetrators as well as rehabilitation and reparations for victims (Czechia);**

114.31 **Ensure that alleged past and ongoing human rights violations by members of the Malian security forces are independently and thoroughly investigated, prosecuted and adjudicated (Denmark);**

114.32 **Ensure accountability and reparations in order to avoid situations of impunity given possible cases of crimes against humanity, war crimes or other serious violations of human rights (Ecuador);**

114.33 **Put an end to human rights violations committed by defence and security forces by systematically carrying out investigations and handing down penalties (France);**

114.34 **Investigate and prosecute all allegations of human rights violations, including those committed by security forces, and introduce a mechanism of internal oversight for the security forces (Germany);**

114.35 **Further engage in the fight against impunity, ensuring that perpetrators of serious human rights violations are prosecuted and that victims have access to justice and reparations (Italy);**

114.36 **Strengthen mechanisms for accountability of the Malian defence and security forces to act in line with international humanitarian law (Netherlands);**

114.37 **Update the legal framework regarding impunity and conclude the judicial proceedings against alleged perpetrators of serious human rights violations (Mexico);**

114.38 **Increase facilities dedicated to the victims of conflict-related violence (Iraq);**

114.39 **Consider developing a comprehensive strategy for security sector reform to allow for the disarmament, demobilization and reintegration of**

combatants, as well as redeploy the reconstituted Malian defence and security forces across the country (Ghana);

114.40 **Conduct awareness-raising campaigns to eliminate the stigmatization of women seeking recourse through the justice system (Timor-Leste);**

114.41 **Take measures to accelerate the investigation of all complaints regarding sexual violence and quickly reach a judgment of the suspects and the compensation of the victims (France);**

114.42 **Continue efforts in implementing the agreement for peace and reconciliation in Mali (South Africa);**

114.43 **Establish an international commission of inquiry as provided for in the Algiers peace agreement (Sweden);**

114.44 **Respect all its commitments made in the framework of the implementation of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process, with a view to/for a peaceful and lasting settlement of the crisis (Chad);**

114.45 **Continue the efforts to promote the peace and reconciliation process to achieve security and stability (China);**

114.46 **Take steps aimed at fully implementing the Agreement on Peace and Reconciliation in Mali (Namibia);**

114.47 **Put an end to the impunity of perpetrators of human rights violations, in particular in northern Mali, including perpetrators of sexual violence against women, and protect the victims against stigmatization (Burkina Faso);**

114.48 **Fully implement the Algiers peace accord, including by providing meaningful decentralization of central government authority and carrying out demobilization, disarmament and reintegration programmes (United States of America);**

114.49 **Continue efforts to consolidate peace and national reconciliation throughout the country (Algeria);**

114.50 **Implement the peace agreement of 2015 and ensure the necessary resources for the Truth, Justice and Reconciliation Commission to accomplish its mandate (Brazil);**

114.51 **Take the necessary measures to ensure respect for human rights in all action taken to combat terrorism, and allow the competent organizations, such as the International Committee of the Red Cross or OHCHR, access to persons suspected of terrorism (Belgium);**

114.52 **Follow advocacy efforts to prevent and avoid community violence (Morocco);**

114.53 **Take all measures to ensure compliance by its armed forces with international human rights standards, in particular the absolute ban on torture (Ireland);**

114.54 **Improve conditions in detention centres (Zambia);**

114.55 **Strengthen measures to reduce overcrowding in prisons (Angola);**

114.56 **Address and improve the state of its prisons with a view to ensuring that prisoners are incarcerated in line with international human rights standards (Netherlands);**

114.57 **Adopt laws defining and criminalizing human trafficking and slavery, in particular of women and girls (Republic of Korea);**

114.58 **Continue the efforts to combat human trafficking and protect women and children from sexual exploitation (Tunisia);**

114.59 **Continue the implementation of the operational plan of its programme for judicial development (Sudan);**

114.60 **Reduce considerably the number of detainees in pretrial detention and ensure their judgement within a reasonable period of time (France);**

114.61 **Adopt the national strategy for the modernization of civil registration procedures (Côte d'Ivoire);**

114.62 **Introduce sufficient transparency measures in the parliamentary and presidential elections to take place in 2018 (Republic of Korea);**

114.63 **Continue pursuing the public policies focused on socioeconomic development and promotion of human rights (Senegal);**

114.64 **Continue to implement socioeconomic development projects, which would further intensify the progress already made (State of Palestine);**

114.65 **Continue strengthening its infrastructure and social programmes for the most vulnerable groups, especially women and children (Bolivarian Republic of Venezuela);**

114.66 **Continue to promote its economic and social sustainable development to lay a solid foundation for its people to enjoy all human rights (China);**

114.67 **Take the necessary measures to fight poverty (Algeria);**

114.68 **Redouble its effort to mobilize national and international resources dedicated to poverty reduction (Indonesia);**

114.69 **Promote the return of refugees who left the country during the conflict, ensuring their security and protecting their rights, through measures aimed at their effective reintegration into the economic, social and cultural context (Ecuador);**

114.70 **Develop strategies to mitigate the impacts of desertification and lack of drinking water on the rights of vulnerable groups such as women and children (Viet Nam);**

114.71 **Strengthen vocational training programmes to further promote the integration of youth into the labour market (Viet Nam);**

114.72 **Continue efforts to strengthen the education and health sector, targeting primarily the vulnerable population, in particular, children and women (Senegal);**

114.73 **Continue efforts in providing special State assistance to patients living with HIV and AIDS (South Africa);**

114.74 **Do its utmost to safeguard the fundamental rights of all citizens, regardless of gender and ethnicity, in line with relevant international human rights instruments, including the right to education (Norway);**

114.75 **Take all necessary measures to guarantee the right to education in emergency and conflict situations and to ensure that education is accessible to all (Timor-Leste);**

114.76 **Establish strategies to support and strengthen the progress recently achieved in the field of education (Viet Nam);**

114.77 **Continue efforts to promote the right to education and provide education to all without discrimination (Egypt);**

114.78 **Strengthen the education system and increase access to education (Iraq);**

114.79 **Continue to improve access to education for all Malians from an early age (Maldives);**

114.80 **Find alternatives to the closure of schools due to security reasons in order to maintain teaching in cooperation with teachers' unions and local authorities (France);**

114.81 **Adopt all measures necessary to ensure the right to education in emergencies and conflict situations, and ensure that education is available to all, in particular migrants, refugees and asylum-seeking children (Honduras);**

114.82 **Continue working towards achieving reforms and commitments that allow it to improve redistribution and ownership of land, taking into account ancestral practices and protecting the small farmers (Plurinational State of Bolivia);**

114.83 **Continue to enhance its efforts to promote and protect the rights of children and women (Mauritius);**

114.84 **Redouble efforts to promote gender equality and women's empowerment, in the context of the 2030 Agenda for Sustainable Development (Brazil);**

114.85 **Work further on the protection of the rights of women to ensure their full respect (Lao People's Democratic Republic);**

114.86 **Continue its efforts to promote gender equality and combat gender-based violence against women (Nepal);**

114.87 **Continue the efforts to combat discrimination against women and achieve gender equality (Tunisia);**

114.88 **Continue its actions to combat discrimination against women (Côte d'Ivoire);**

114.89 **Continue efforts to fight discrimination against women in law and in practice (Egypt);**

114.90 **Harmonize its legislation to eliminate discrimination against women (Austria);**

114.91 **Strengthen measures in protecting women's rights and ensuring their equal pay for work of equal value (South Africa);**

114.92 **Expedite the revision of the Labour Code and ensure that it guarantees substantive equality of women and men (Zambia);**

114.93 **Reduce the gender pay gap (Iraq);**

114.94 **Continue working towards achieving equality and political and economic inclusion for women, particularly in rural areas (Plurinational State of Bolivia);**

114.95 **Strengthen efforts to fight the stigmatization of women and children subjected to forced and early marriage, sexual slavery, rape and torture committed by extremist groups (Poland);**

114.96 **Redouble efforts to significantly reduce and eventually eliminate all forms of discrimination and violence against women and children (Cabo Verde);**

114.97 **Step up efforts to combat all forms of violence against women and girls (Georgia);**

114.98 **Adopt legislative and policy measures to combat sexual violence, including forced and early marriage, sexual slavery, rape and torture committed against women by extremist groups and members of the armed forces, as well as the impunity of the perpetrators (Honduras);**

114.99 **Expedite efforts to adopt legislation to combat gender-based violence and establish a national programme to combat the sexual exploitation of women and girls (Sierra Leone);**

114.100 **Undertake awareness campaigns in order to end the social stigmatization affecting women who have been victims of rape or sexual abuse and provide effective access to justice for all women and girls (Chile);**

114.101 **Enact adequate measures to ensure medical, psychosocial and judicial support for the victims of serious human rights violations, in particular former child soldiers and victims of sexual crimes, including conflict-related sexual violence (Slovenia);**

114.102 **Establish a mechanism to assist victims of human trafficking and sexual exploitation (Togo);**

114.103 **Strengthen the implementation of legislation and policies aimed at ending harmful traditional practices, in particular child, early and forced marriage and female genital mutilation (Rwanda);**

114.104 **Take concrete steps towards the implementation of programmes and policies aimed at eliminating practices that are harmful to women's and girls' health, including excision (Namibia);**

114.105 **Enhance efforts to prevent and combat all forms of violence against women, including female genital mutilation (Italy);**

114.106 **Continue developing and implementing public policies to prevent, address, punish and eradicate all forms of violence against women, including female genital mutilation and forced and early marriage (Paraguay);**

114.107 **Continue its awareness-raising efforts to promote the abandonment of the practice of female genital mutilation (Gabon);**

114.108 **Continue efforts to combat early marriage (Tunisia);**

114.109 **Continue efforts to combat and protect women against all forms of sexual violence, including child, early and forced marriage (Maldives);**

114.110 **Conduct awareness campaigns to reduce child and early marriage (Chile);**

114.111 **Implement measures which promote gender equality and ensure better access by women to decision-making positions (Sierra Leone);**

114.112 **Take the necessary measures to ensure effective follow-up of the law on quotas for women's participation (Belgium);**

114.113 **Implement a national strategy for the increased participation and representation of women in general elections (Czechia);**

114.114 **Ensure the full and meaningful participation of women in all political processes in Mali, particularly processes regarding the Algiers peace agreement (Sweden);**

114.115 **Bring about the effective participation of women in all stages of the peace, stabilization and reconstruction process in Mali (Chile);**

114.116 **Adopt the declaration on safety in schools and commit to implement the guidelines for the protection of schools and universities against their military use during conflicts (Switzerland);**

114.117 **Take steps to better protect the rights of the child and establish, resource and monitor specialized agencies to promote and protect the rights of vulnerable children (Australia);**

114.118 **Continue intensifying its efforts to put an end to child labour within the framework of the national programme to combat child labour through the dissemination of laws that prohibit it (Cuba);**

114.119 **Take steps to review and strengthen the legislative framework to ensure that the worst forms of child labour are criminalized and effectively prosecuted (United Kingdom of Great Britain and Northern Ireland);**

114.120 **Strictly prohibit child labour and raise the minimum age of employment (Zambia);**

114.121 **Take decisive and adequate measures to end the practice of forced and compulsory recruitment of children by armed groups (Poland);**

114.122 **Adopt the necessary measures, with the support of MINUSMA, to prevent the occupation of schools by armed groups and establish protection mechanisms to prevent the forced recruitment of children and adolescents (Mexico);**

114.123 **Enact and enforce laws to criminalize the recruitment of child soldiers and slavery (United States of America);**

114.124 **Strengthen efforts to ensure the protection and well-being of children, especially with regard to the recruitment and reintegration of child soldiers as well as education (Austria);**

114.125 **End the forced recruitment of children into active roles in armed conflict (Botswana);**

114.126 **Take steps to protect children from recruitment as child soldiers and ensure long-term rehabilitation and reintegration programmes for those demobilized (Czechia);**

114.127 **Strengthen efforts to prevent and combat the recruitment and use of children in armed conflict and ensure their reintegration in society (Italy);**

114.128 **Take all necessary measures to put an end to the practice of recruitment and use of child soldiers by armed groups and take measures to allow for their social reinsertion (Luxembourg);**

114.129 **Support the socioeconomic reinsertion of children and youth living on the street (Luxembourg);**

114.130 **Continue to improve the legal framework for the protection of persons with disabilities (Haiti);**

114.131 **Adopt concrete measures in favour of migrants and asylum seekers (Haiti);**

114.132 **Finalize the draft law on the protection of human rights defenders (Burkina Faso);**

114.133 **Pass the draft law for the recognition and protection of human rights defenders (Germany).**

115. **The following recommendations will be examined by Mali, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council:**

115.1 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty, and take appropriate measures to abolish the death penalty (Switzerland);**

115.2 **Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty, and commute death sentences to prison sentences (Uruguay);**

115.3 **Revive consultations on the proposed bill for the abolition of the death penalty and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Namibia);**

115.4 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Croatia) (Montenegro); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Estonia); Take measures to ratify the**

Second Optional Protocol to the International Covenant on Civil and Political Rights (Georgia);

115.5 **Consider fully abolishing the death penalty (Italy);**

115.6 **Abolish fully the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal);**

115.7 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**

115.8 **Ratify the Optional Protocol to the Convention on the Rights of the Child (Portugal); Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Croatia);**

115.9 **Revise mining codes, policies and practices in order to meet the expectations of local communities and invest the generated revenue in infrastructure programmes (Haiti);**

115.10 **Take measures to introduce a de jure moratorium on executions and take concrete steps towards the total abolition of the death penalty (Rwanda);**

115.11 **Formally abolish the death penalty (Australia);**

115.12 **Consider abolishing the death penalty (Mozambique);**

115.13 **Implement the draft legislation aimed at decriminalizing press offences, which is necessary progress in the promotion of free media in Mali (Austria);**

115.14 **Decriminalize defamation and place it in a civil code in accordance with international standards (Estonia);**

115.15 **Eliminate all discriminatory provisions and practices against women and girls contained in the Personal and Family Code, including those relating to inheritance and the obligation to obey the husband (Paraguay);**

115.16 **Reassess the negative implications of the discriminatory provisions included in the preliminary draft of the revised Personal and Family Code that could prove detrimental and a step backward for Malian women, so as to ensure that the rights and full freedom of Malian women are realized, free from any discrimination whatsoever (State of Palestine);**

115.17 **Continue to take measures to ensure gender equality, and make adequate revisions to the provisions of the Persons and Family Code that are inconsistent with international standards on women's rights (Turkey);**

115.18 **Eliminate all provisions and discriminatory practices against women and girls from the Personal and Family Code, and reinforce the prohibition, by law, of harmful cultural and traditional practices against girls and women (Mexico);**

115.19 **Ensure that all discriminatory provisions against women contained in the Family Code and the Labour Code are repealed (Burkina Faso);**

115.20 **Reinstate in the Persons and Family Code the wording of article 25 of the 2009 version of the Code, reading that "The international treaties and agreements regarding the protection of women and children, duly ratified by Mali and published are applicable (Denmark);**

115.21 **Repeal all discriminatory provisions of the Persons and Family Code in order to adopt a new comprehensive framework to fight discrimination (Honduras);**

115.22 **Undertake, without delay, the reform necessary to eliminate all discriminatory provisions and practices against women and girls contained in the Persons and Family Code (Iceland);**

115.23 **Repeal all discriminatory provisions, including those in the Personal and Family Code (Latvia);**

115.24 **Enact comprehensive anti-discrimination legislation and conduct wide public debate on the importance of introducing equal rights for women and men (Montenegro);**

115.25 **Adopt legislation against gender discrimination, that, inter alia, will prohibit all forms of gender-based violence, including female genital mutilation, and promote and protect the human rights of women and girls in Mali (Slovenia);**

115.26 **Criminalize female genital mutilation to significantly reduce the proportion of the population that are victims of such acts; strengthen awareness raising campaigns, in particular in partnership with religious leaders, and implement actions to provide for economic and social reconversion for women who practice female genital mutilation (France);**

115.27 **Continue its efforts to introduce a law banning all forms of gender-based violence (Switzerland);**

115.28 **Work to eliminate all forms of discrimination against women and girls that remain in the Persons and Family Code (Togo);**

115.29 **Rapidly adopt a law aimed at combating gender-based violence, in compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (Belgium);**

115.30 **Ensure that the fight against discrimination against women and gender-based violence are backed up by legislation (Madagascar);**

115.31 **Adopt, before the next universal periodic review cycle, a legislative ban on female genital mutilation and domestic violence and conduct awareness-raising campaigns in order to eliminate these forms of violence in practice (Czechia);**

115.32 **Adopt legislation outlawing all forms of gender-based violence, including the traditional practice of female genital mutilation (India);**

115.33 **Continue the necessary measures to prohibit any form of female genital mutilation, in accordance with the recommendations formulated by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child; and implement actions to eliminate any other form of discrimination based on gender or violent traditional practices against women (Uruguay);**

115.34 **Criminalize female genital mutilation (Paraguay);**

115.35 **Finalize the bill that prohibits the practice of female genital mutilation, which can concern up to 90 per cent of girls (Poland);**

115.36 **Deepen the measures to develop a comprehensive plan against the harmful cultural practices and traditions that persist against women, in particular by adopting a law that prohibits female genital mutilation (Argentina);**

115.37 **Adopt legislation outlawing all forms of the traditional practice of female genital mutilation and finalize the review of the Criminal Code in order to include provisions punishing violence against women (Botswana);**

115.38 **Finalize the draft law prohibiting and punishing female genital mutilation (Burkina Faso);**

115.39 **Accelerate legislative measures leading to a strict prohibition and punishment of female genital mutilation and early marriage (Cabo Verde);**

115.40 **Introduce legislation to ban female genital mutilation (Canada);**

115.41 **Ensure the enactment and implementation of legislation to criminalize female genital mutilation, in addition to the design of public policies and concrete actions aimed at fully eradicating this practice (Ecuador);**

115.42 **Accelerate the process of adopting a draft law against gender-based violence, including female genital mutilation (Gabon);**

115.43 **Adopt criminal laws prohibiting all forms of female genital mutilation and cutting and initiate a public debate addressing harmful traditional practices (Germany);**

115.44 **Adopt legislation to prohibit all forms of female genital mutilation and cutting (Iceland);**

115.45 **Adopt legislation to ban all forms of genital mutilation and ensure that this practice be punished (Luxembourg);**

115.46 **Adopt criminal laws explicitly prohibiting female genital mutilation (Norway);**

115.47 **Set the minimum age of marriage at 21 for boys and girls and raise public awareness of this law, in particular among women and girls (Haiti);**

115.48 **Establish the same age of marriage for boys and girls as 18, and strengthen efforts aimed at ending child, early and forced marriage (Sierra Leone);**

115.49 **Adopt a legal mechanism to combat child and early marriage (Angola);**

115.50 **Amend existing legislation to raise the minimum age of consent for marriage to 18 years for women, as provided for in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) (Canada);**

115.51 **Repeal the Persons and Family Code to bring it into line with the constitutional prohibition of gender-based discrimination, including by granting equal succession rights to women and girls and raising the minimum age of marriage for girls to 18 years (Germany);**

115.52 **Raise the minimum age of marriage for girls to 18 years, without exception, in line with the Maputo Protocol (Iceland);**

115.53 **Align the minimum age of marriage for girls with international standards to 18 as opposed to 16, in order to eradicate early and forced marriage for girls (Namibia);**

115.54 **Increase the minimum age for marriage of girls to 18 years of age, in line with the Maputo Protocol (Luxembourg).**

116. **The recommendations formulated during the interactive dialogue/listed below have been examined by Mali and have been noted by Mali:**

116.1 **Extend a standing invitation to all special procedures of the Human Rights Council (Portugal);**

116.2 **Issue an open standing invitation to the special procedures of the Human Rights Council (Ukraine);**

116.3 **Consider the possibility of extending a standing invitation to all United Nations special procedure mandate holders (Georgia);**

116.4 **Issue and implement a standing invitation to the thematic human rights special procedures of the Human Rights Council (Czechia);**

116.5 **Redouble its efforts to put an end to traditional and harmful practices, such as child and forced marriage, polygamy, humiliating and degrading practices and forced feeding (Honduras);**

116.6 **Immediately demobilize all children being used by the government-supported militias (Iceland);**

116.7 **Take all feasible measures to protect children from recruitment by State-allied and non-State armed groups (Ireland).**

117. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Mali was headed by Kadidia Coulibaly Sangaré, Minister of Human Rights, and composed of the following members:

- M. Abraham Bengaly, Secrétaire général du Ministère des droits de l'homme;
- M. Zoumana Diarra, Conseiller technique, Ministère des droits de l'homme;
- M. Salifou Maiga, Conseiller technique, Ministère de la solidarité et de l'action humanitaire;
- M. Modibo Sacko, Conseiller technique, Ministère de la justice;
- Commandant Malado Keita, Conseillère Technique, Ministère de la réconciliation nationale et de la cohésion sociale;
- M. Bakary Doumbia, Ministère des affaires étrangères et de la coopération internationale;
- Lt Col. Mamadou Daba Coulibaly, Ministère de la sécurité et de la protection civile;
- Mme Sophie Tounkara Soucko, Ministère de la promotion de la femme, de l'enfant et de la famille;
- M. Mamadou Diakité Expert, ancien ministre.

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Report of the Working Group on the Universal Periodic Review*

Botswana

* The annex is being circulated without formal editing, in the language of submission only.

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of Botswana was held at the 5th meeting, on 17 January 2018. The delegation of Botswana was headed by the Minister of Nationality, Immigration and Gender Affairs, Edwin J. Batshu. At its 10th meeting, held on 19 January 2018, the Working Group adopted the report on Botswana.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Botswana: China, Cuba and the United States of America.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Botswana:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/BWA/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/BWA/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/BWA/3).

4. A list of questions prepared in advance by Belgium, Brazil, Germany, Portugal, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Botswana through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation stated that the national report had been prepared in collaboration with civil society organizations. The Government, in collaboration with civil society, would endeavour to draw up national action plans to implement the recommendations received during the current review.

6. In 2016, the national transformative agenda, Vision 2036, had been launched as a road map to deliver national aspirations for the next 20 years, and to guide Botswana on the path of inclusive development, to be achieved through the expansion of the domestic economy, while empowering citizens to meaningfully participate in the development of the country. The Eleventh National Development Plan had been adopted to guide medium-term economic development, as a first step in the implementation of Vision 2036.

7. In 2014, the Cabinet had approved the amendment of the Ombudsman Act, Act No. 5 of 1995 to confer a human rights mandate on the Office of the Ombudsman. The drafting of the Ombudsman Amendment Bill was at an advanced stage, and the Bill would be tabled during the July 2018 session of Parliament, making it possible to establish a national human rights institution. Moreover, a human rights unit would be established in the Office of the President and would contribute to ensuring adherence to the reporting obligations under the various treaties.

8. In 2017, Botswana had reported to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. In relation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, work had commenced on the preparation of the initial report. With regard to the International Convention on the Elimination of All Forms of Racial Discrimination and

the International Covenant on Civil and Political Rights, the Government had chosen to use the simplified reporting procedure to submit its pending periodic reports.

9. In 2017, Parliament had passed the Rome Statute of the International Criminal Court Act of 2017, which reflected the commitment of Botswana to prosecute, at a national level, those allegedly responsible for crimes recognized under the Rome Statute. The unwavering belief of the Government in the spirit that had inspired the creation of the International Criminal Court had led Botswana to co-sponsor a paper on the activation of the Court's jurisdiction over the crime of aggression.

10. Policies and programmes had been put in place to provide significant investment in social protection, health and education. Poverty eradication initiatives, which were aimed at economically empowering the poor by providing beneficiaries with skills and funds to enable them to live a dignified life, continued to be implemented.

11. In 2014, the National Strategic Framework 2010–2016 had been reviewed to align the priorities contained therein with the latest developments relating to HIV/AIDS. In 2016, the Treat All Strategy had been launched. The Government had subscribed to the Joint United Nations Programme on HIV/AIDS 90-90-90 target and to efforts to bring an end to AIDS by 2030. HIV/AIDS interventions were open to all and were not used as a means to negatively target or stigmatize any group. The country was about to embark on the fifth Botswana AIDS Impact Survey, with the aim of updating the existing data on HIV/AIDS. The survey would be combined with the first-ever survey on the prevalence of tuberculosis.

12. Access to good quality health-care services remained a priority and, in that context, a five-year training strategy and annual training plans had been developed that were aimed at strengthening the capacity of health-care workers. Furthermore, the law on mental health of 1971 was currently under review and the initial draft of the non-communicable diseases strategy for the period 2017–2022 had been completed.

13. Progress had been made in improving the lives of members of communities located in remote areas under the Affirmative Action Framework for Remote Area Communities. Consultations were ongoing with the communities in question, including those located around the Central Kalahari Game Reserve, regarding issues affecting them.

14. Six boreholes had been drilled in the Central Kalahari Game Reserve for use by its residents and plans were under way to increase that number. Furthermore, water containers with a capacity of 10,000 litres were filled on a monthly basis. A mobile clinic provided health care once a month and social protection food rations were distributed on a monthly basis. Hunting was illegal, except on private game farms. Members of remote area communities were allowed to gather wild fruits for consumption.

15. Internal consultations were ongoing with a view to acceding to the Convention on the Rights of Persons with Disabilities. It was expected that a revised National Policy on Care for People with Disabilities would be discussed during the July 2018 session of Parliament.

16. The National Policy on Gender and Development, adopted in 2015, was being implemented and monitored by the National Gender Commission.

17. Girls who had dropped out of school as a result of pregnancy and other challenges were reintegrated into the education system: an approach which had resulted in an increase in the number of girls enrolled in education at the tertiary level.

18. Gender-based violence remained a challenge but was being addressed through the national strategy on ending gender-based violence for the period 2014–2020. In July 2017, a pilot of the Gender-Based Violence Referral System had been concluded in the northern and southern parts of the country. Also, traditional leaders (*Dikgosi*) had been engaged in mainstreaming gender into the customary justice system.

19. The Anti-Human Trafficking Act had come into force in 2015 and the Anti-Human Trafficking National Action Plan was expected to be launched in April 2018. The Plan focused on prevention, protection, prosecution and partnership, in line with the international instruments concerning trafficking in persons.

20. Botswana held the view that the death penalty was not a human rights violation, or a form of torture, but rather a matter of criminal justice. Botswana retained the sovereign right to independently decide on its own criminal justice system, including the retention of the death penalty. There were robust laws and institutions in place, including an independent judiciary, in order to ensure that there was no arbitrary imposition of the death sentence. Nonetheless, the Government intended to hold public debates on the death penalty and would welcome technical and financial assistance in carrying out that exercise.

21. Botswana had made good progress in the realization of universal access to primary education and was currently focusing on good-quality basic education and lifelong learning. One of the major challenges was providing a learning environment that catered for students with varied potentials, interests, career inclinations and backgrounds and for instruction in mother-tongue languages.

22. In 2016, the Ministry of Tertiary Education, Research, Science and Technology had been established with a view to transforming Botswana into a knowledge-based economy.

23. To mitigate human-wildlife conflict and to help drive animals such as elephants from community and farming areas, additional material resources, including aircraft and capture equipment, were being procured.

24. Botswana welcomed and took on board the majority of the concluding observations and recommendations formulated by the Special Rapporteur on the human rights to safe drinking water and sanitation following his visit in 2015. In the past, Botswana had accepted all requests for visits by the special procedure mandate holders and remained open to receiving any future requests. The latest requests for visits by the Special Rapporteurs on the right to food and on minority issues had been accepted and the visits would be held on mutually agreed dates.

25. The Botswana Emergency Water Security and Efficiency Project was currently being implemented and would improve water availability and wastewater management in 60 settlements. A review of water-sector policies and legislation was being undertaken. Sanitation capacity was being upgraded and a new national waste-management policy was expected to be adopted.

26. The low-income housing programme, a part of the national housing policy, was being implemented, with the focus on providing access to adequate and affordable housing. In an attempt to provide shelter for disadvantaged persons, the Government had committed to providing decent shelter to all persons concerned by the end of 2019. The target for the number of housing units to be delivered each year had been set at 1,000.

27. In order to improve food security, the Government continued to promote agricultural production through programmes such as the Integrated Support Programme for Arable Agriculture Development and the Livestock Management and Infrastructure Development Programme.

28. Botswana continued to face challenges such as unemployment, especially among young persons, income inequality and a relatively undiversified economy. Heavy reliance on diamond exports, coupled with a drop in revenue from non-mineral sectors, were expected to have an adverse impact on gross domestic product (GDP). As a part of its policy and planning frameworks, the Government considered economic diversification to be a crucial step towards promoting employment and economic development.

29. Over the past three decades, socioeconomic development had suffered a major setback due to the devastating human and social impact of the HIV/AIDS pandemic. The delegation called for assistance from development partners to enhance the promotion and protection of human rights, development and fundamental freedoms.

B. Interactive dialogue and responses by the State under review

30. During the interactive dialogue, 83 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

31. The Russian Federation was concerned by the high maternal mortality rates by the fact that Botswana was a country of origin, transit and destination of human trafficking and by the fact that the use of corporal punishment was legal in the penitentiary system, including the juvenile justice system.

32. Rwanda welcomed the establishment of a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It encouraged Botswana to consider ratifying the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

33. Senegal appreciated the efforts of Botswana in the areas of development and poverty eradication, including through policies and programmes designed to ensure the enjoyment of the right to food, youth empowerment and to strengthen the position of women in the economy.

34. Sierra Leone encouraged Botswana to continue to develop enforceable measures that were aimed at eliminating child, early and forced marriage in rural areas, and to provide universal birth registration for all children born in its territory.

35. Singapore applauded the efforts of Botswana to empower women in the labour market by increasing the budget of the Women's Economic Empowerment Programme, and to give all children a good start in life by scaling up early childhood development initiatives.

36. Slovakia welcomed the adoption of the Education and Training Sector Strategic Plan in 2015. Slovakia invited Botswana to enhance its cooperation with the United Nations human rights mechanisms and encouraged it to extend a standing invitation to the special procedure mandate holders.

37. Slovenia commended Botswana for taking several legislative measures to prohibit and eliminate all forms of harmful practices. However, it regretted that sufficient funding had not yet been allocated for the implementation of the National Plan of Action for All Children.

38. South Africa praised the establishment of the human rights unit in the Office of the President and looked forward to the national human rights strategy that the unit had been mandated to produce.

39. Spain thanked Botswana for participating in the universal periodic review and made recommendations.

40. The State of Palestine commended Botswana for the efforts it had made to reduce poverty.

41. The Sudan noted that, in 2017, Botswana had signed the Safe Schools Declaration, which was a global commitment towards providing support, protection and sustainable education in wartime and an important step towards implementing the fundamental right to education.

42. Sweden acknowledged the continued work of Botswana to fulfil its obligations with regard to human rights and encouraged further efforts in that regard.

43. The Syrian Arab Republic stated that it had carefully followed the presentation of the national report by Botswana and read the two reports prepared by OHCHR, especially with regard to the implementation of previous review recommendations by Botswana.

44. Thailand commended the progress made by Botswana, particularly in terms of implementing its policies on the eradication of poverty, the fight against HIV/AIDS, the protection of disadvantaged and marginalized communities and provision for human rights education in the school curriculum.

45. Timor-Leste welcomed the efforts made by Botswana to promote development and poverty reduction, and saw the measures taken by Botswana to fight HIV/AIDS as a step forward in promoting the right to health.

46. Togo congratulated Botswana for its commitment to the achievement of the Sustainable Development Goals through the Vision 2036 agenda, the aim of which was to ensure the prosperity of all citizens.

47. Tunisia appreciated the participatory approach adopted in drafting the national report, and welcomed the efforts to disseminate information on human rights by integrating the issue into primary and secondary education curricula and training programmes for civil servants.

48. Turkey praised the poverty eradication programmes of Botswana. It indicated that certain shortcomings remained with regard to ensuring gender equality and the protection of children's rights and that Botswana should increase efforts to further improve the situation in that regard.

49. Ukraine noted the active cooperation with civil society, as reflected in the national report and encouraged Botswana to continue with that process, as it was potentially beneficial to all in overcoming existing challenges.

50. The United Kingdom welcomed steps to domesticate the Rome Statute and to ratify the Southern African Development Community Protocol on Gender and Development. It encouraged Botswana to protect victims of trafficking and to apply stringent penalties for perpetrators.

51. The United States commended Botswana for the court rulings affirming the rights of transgender persons, urged it to protect lesbian, gay, bisexual, transgender and intersex persons from discrimination and expressed concern at restrictions on freedom of expression.

52. Uruguay applauded the initiative of Botswana on combating HIV/AIDS and the adoption of the national gender and development policy. It expressed the hope that Botswana would domesticate the provisions of the international human rights instruments that it had already ratified.

53. The Bolivarian Republic of Venezuela praised steps to approve the Anti-Human Trafficking Act, to combat poverty and HIV/AIDS, to develop remote areas and to improve education. It noted that the international community should provide Botswana with support and encouraged the State to pursue its efforts in those fields.

54. Zambia applauded Botswana for being an example of good governance in Africa and for the establishment of institutions to ensure transparency. It noted that governance needed to be inclusive and to enable wide participation.

55. Zimbabwe praised the steps to adopt the Vision 2036 agenda, to implement poverty eradication initiatives, including the Youth Empowerment Scheme, to facilitate access to tertiary education and to mainstream human rights education into the school curriculum.

56. Afghanistan commended the achievements of Botswana since the previous review and its initiatives to eradicate poverty focused on the rural population, women and youth.

57. Algeria noted with appreciation progress in implementing policies on nation building, development and poverty reduction, including acknowledgement of the right of local people to manage and use natural resources.

58. Angola welcomed the progress in poverty eradication through the poverty eradication programme, urging Botswana to continue its efforts. It noted that the Vision 2036 agenda, the Youth Development Fund and the Women's Economic Empowerment Programme were important for inclusive development.

59. Argentina congratulated Botswana on its poverty eradication initiatives focused on the economic empowerment of the poorest people.

60. Armenia praised efforts to establish a human rights unit and to implement the National Policy on Gender and Development, and encouraged Botswana to pursue its efforts in that regard. Armenia urged Botswana to establish a moratorium on the death penalty and to enshrine the right to education in the Constitution.

61. Australia commended the ratification of the Southern African Development Community Protocol on Gender and Development. It called on Botswana to ensure the protection of the freedom of expression and assembly, while expressing its continued concern about the application of the death penalty.

62. Azerbaijan appreciated the constructive cooperation of Botswana with the United Nations human rights mechanisms, expressing the hope that relevant mechanisms and organizations would enhance financial and technical assistance for Botswana.

63. Bangladesh applauded steps to domesticate the Rome Statute of the International Criminal Court and to adopt the National Policy on Gender and Development and the Anti-Human Trafficking Act. It noted that, although Botswana had achieved remarkable socioeconomic progress, it needed sustained international support.

64. Belgium acknowledged efforts to combat HIV/AIDS, including through the National Strategic Framework, expressing the conviction that further progress could be achieved in protecting vulnerable groups. It expressed concern at the fact that the death penalty was still on the statute books.

65. Benin welcomed measures and initiatives to ensure local development and respect for human rights, urging Botswana to build on its achievements.

66. Bhutan commended Botswana for the implementation of recommendations from the previous review. It requested Botswana to continue efforts to ratify human rights treaties.

67. Brazil commended Botswana for initiatives to tackle inequality and for its health policies. Brazil recognized the positive steps taken in the areas of freedom of expression and the press, and in ensuring women's empowerment and representation in public life. It encouraged further action to prohibit corporal punishment.

68. Burkina Faso encouraged Botswana to revise the 2009 Children's Act to bring it into line with the Convention on the Rights of the Child, to significantly reduce the maternal mortality rate and to guarantee universal birth registration for all children born in its territory.

69. Canada noted the ongoing International Criminal Court membership of Botswana and its commitment to the Court. Furthermore, Canada welcomed the court judgments in Botswana enabling transgender persons to change their gender status on national identity registration documents to reflect their gender identity.

70. Chad welcomed the adoption of the National Policy on Gender and Development and the establishment of the National Gender Commission. It also noted with satisfaction the Anti-Human Trafficking Act.

71. Chile welcomed the creation of the Human Trafficking (Prohibition) Committee, the adoption of relevant legislation and efforts to broaden access to justice through the creation of three new courts of first instance.

72. Côte d'Ivoire appreciated the measures aimed at reducing extreme poverty and welcomed efforts to establish a national human rights institution in compliance with the Paris Principles.

73. Cuba emphasized the adoption of the Anti-Human Trafficking Act and of the Eleventh National Development Plan.

74. Denmark mentioned that, during its second universal periodic review, Botswana had noted recommendations to ratify the Optional Protocol to the Convention against Torture and stated that the Convention against Torture Initiative stood ready to assist Botswana on that issue.

75. Ecuador emphasized the recognition by Botswana of the need to revise laws and policies that were incompatible with the full enjoyment of constitutional rights and international standards.

76. Egypt praised Botswana for its efforts to fight poverty, combat HIV/AIDS, promote the rights of the child through the inclusion of human rights issues in the school curricula and end discrimination.

77. Estonia commended the initiatives of Botswana to eradicate poverty, including the Women's Economic Empowerment Programme, and the Rome Statute of the International Criminal Court Act of 2017 domesticating the Rome Statue. Estonia encouraged Botswana to gradually reduce the backlog of periodic reports to the treaty bodies.

78. Ethiopia commended the adoption of the Vision 2036 agenda and the Eleventh National Development Plan, and noted with satisfaction the Government's initiatives to eradicate poverty.

79. Finland noted that indigenous children's access to education should be strengthened. It also noted the ongoing efforts to establish a national human rights institution and stressed the importance of ensuring compliance with the Paris Principles.

80. France welcomed the significant progress made by Botswana in human rights, especially in terms of freedom of expression and of the press, the cultural rights of minorities and the fight against HIV/AIDS.

81. Gabon welcomed actions taken to combat poverty, social disparity and vulnerability, and welcomed programmes to empower women and promote gender equality.

82. Georgia welcomed efforts towards the establishment of a national human rights institution and encouraged the Government to strengthen measures in that direction. It encouraged Botswana to accelerate efforts that were aimed at preventing gender-based violence.

83. Germany commended Botswana for the improvements it had made in access to health care, schooling and education.

84. Ghana welcomed the progress made in eradicating poverty, combating HIV/AIDS and gender-based violence and promoting children's rights and gender equality. It was concerned that civil society actors had been excluded from benchmarking missions to human rights institutions in some African countries.

85. Greece commended Botswana for implementing recommendations from the previous review, achievements in reducing poverty, efforts towards establishing a national human rights institution and the domestication of the Rome Statute of the International Criminal Court.

86. The Holy See commended Botswana for its efforts in implementing poverty eradication initiatives and encouraged the Government to pursue that work.

87. Honduras welcomed efforts to implement recommendations from the previous review, particularly those relating to development and poverty reduction.

88. Iceland commended Botswana for progress in implementing recommendations from the previous review, and for introducing a women's empowerment programme.

89. India welcomed the amendment of the Ombudsman Act to establish a national human rights institution, the efforts of Botswana to curtail poverty and unemployment and its empowerment of women and youth. India noted progress in implementing the right to health, including the development of the national HIV/AIDS strategy.

90. Indonesia commended the work of Botswana in transforming the Office of the Ombudsman into a national human rights institution. In the view of Indonesia, the appeal by Botswana for continued support in combating HIV/AIDS should be prioritized by development partners and the international community.

91. Iraq commended the efforts of Botswana to eradicate poverty, notably through its development plan for remote areas, and its efforts to eradicate HIV/AIDS.

92. Ireland was concerned that consensual adult same-sex sexual activities remained criminalized, that lesbian, gay, bisexual, transgender and intersex persons were stigmatized and that the death penalty had been retained. Recalling previous relevant recommendations, Ireland expressed regret at the fact that marital rape had not been criminalized.

93. Italy welcomed the adoption of the Rome Statute of the International Criminal Court Act, the implementation of poverty eradication initiatives, the mainstreaming of human rights education into school curricula and the endorsement of the Safe Schools Declaration.

94. Kenya commended Botswana for its progress in implementing human rights, fundamental freedoms and recommendations from the previous review.

95. Libya commended the commitment of Botswana to human rights and to the United Nations mechanisms, and encouraged it to ratify the International Covenant on Economic, Social and Cultural Rights.

96. Liechtenstein welcomed the efforts to set up a national human rights institution. It expressed concern at the continued legality and use of the death penalty and corporal punishment.

97. Madagascar recognized the progress made in combating poverty and investment in social protection, education and health services. It noted the alignment of domestic law with the Rome Statute of the International Criminal Court and the adoption by Botswana of a policy on gender equality in 2015.

98. Malaysia recognized the progress made in eradicating poverty and promoting gender equality, as reflected in the Vision 2036 agenda. Malaysia lauded the inclusion of traditional leaders in efforts to promote gender mainstreaming and to award scholarships to girls.

99. Maldives welcomed the Vision 2036 agenda. It was encouraged by efforts to eradicate poverty with the introduction of the Youth Empowerment Scheme and the Women's Economic Empowerment Programme. It also commended the prioritization of the fight against HIV/AIDS.

100. Mauritania welcomed efforts to establish a human rights unit in the Office of the President and to set up social development programmes. It remained concerned about the low level of participation of women in public life.

101. Mauritius applauded the progress relating to legislative and institutional measures to address social concerns, promote gender equality and increase access to education. It commended the conversion of the Office of the Ombudsman into the national human rights institution.

102. Mexico applauded the domestication of the Rome Statute of the International Criminal Court and the increased cooperation of Botswana with international human rights mechanisms.

103. Montenegro commended the efforts to establish a national human rights institution and the achievements in development and poverty reduction. It noted that there were several human rights treaties to which Botswana was not a party and that there were overdue periodic reports.

104. Morocco welcomed the measures taken to enable access to education in the framework of the Vision 2036 agenda. It also highlighted the Government's ongoing fight against poverty and HIV/AIDS.

105. Mozambique noted the progress made in implementing recommendations from the previous universal periodic review cycle, in particular on gender and gender-based violence. It also commended the steps taken to strengthen the implementation of poverty eradication programmes.

106. Myanmar welcomed the commitment of Botswana to combating the scourge of HIV/AIDS and the launch of the Treat All Strategy in 2016. It expressed concern at reports of child sexual abuse.

107. Namibia applauded the progress and achievements of Botswana in the fields of development and poverty reduction. It also called upon the international community to assist Botswana in fully implementing the Vision 2036 agenda.

108. The Netherlands commended Botswana for its active role as a member of the Human Rights Council and its willingness to create a national human rights institution. It

expressed regret at the fact that Botswana had not accept recommendations relating to the decriminalization of same-sex sexual activities.

109. The Niger congratulated Botswana on the reduction of poverty in rural and urban areas, as indicated in its report highlighting the achievement of the targets of the Millennium Development Goals.

110. Paraguay welcomed the recent progress of Botswana in terms of human rights and especially with regard to the Rome Statute of the International Criminal Court Act.

111. The Philippines recognized the enactment by Botswana of the Anti-Human Trafficking Act of 2014 and the resulting advances made by the State in the areas of human trafficking, migrants and poverty alleviation.

112. Portugal welcomed the efforts to establish a national human rights institution.

113. The Republic of Korea noted progress in the areas of development and poverty reduction. It hoped that the policies and initiatives to develop the economy could be implemented to address the concerns of disadvantaged and marginalized communities.

114. The delegation of Botswana stated that the Government was committed to ensuring the protection of all children, as evidenced by the ratification and domestication of relevant international and regional instruments and the report it had submitted to the Committee on the Rights of the Child.

115. Birth registration was carried out through a computerized, real-time system linked to the national identity system. There were decentralized district registration offices across the country. All major hospitals had a birth and death registration desk and there were mobile field visits by teams to reach out to children in remote areas.

116. The protection of children was carried out at the national and local levels through established functional structures, including the National Children's Council, the Village Child Protection Committees and the National Children's Consultative Forum, which enabled the participation of children.

117. In order to establish the magnitude of sexual abuse of children, a survey on violence against children had recently been completed. A response plan would be finalized and disseminated by March 2018. The child protection protocol had been completed and would also be disseminated.

118. Legislative measures had been taken to prohibit all forms of practices that were harmful to children. Education and capacity-building of different stakeholders implementing the Children's Act had continued through "*kgotla*" (traditional meetings) and workshops.

119. The results of the ongoing situational analysis for orphans and vulnerable children would inform the reviews of the National Plan of Action for Orphans and Vulnerable Children (2010–2016) and the National Plan of Action for Children 2006–2016. There was a comprehensive people-centred social protection system for vulnerable groups.

120. Through the Revised Remote Area Development Programme of 2009, children from remote area communities were assisted with access to education.

121. Botswana was working towards lifting its reservations to article 1 of the Convention on the Rights of the Child and article 2 of the African Charter on the Rights and Welfare of the Child. Legislation was being amended to bring the definition of the child into line with that contained in those instruments.

122. Botswana had retained corporal punishment in its 2009 Children's Act because communities had insisted that the practice should not be abolished. Measures were being explored to change the mindset of those communities.

123. The National Policy on Gender and Development, which was aligned with the Sustainable Development Goals, recognized the critical role played by civil society organizations, development partners and the media in advancing the gender agenda.

124. Some customary laws discriminated against women, who could seek redress from the common law courts. Legal aid was available to poor women. The Government, in collaboration with civil society, continued to engage with community and religious leaders and the general public on issues that perpetuated gender inequality.

125. Schools had guidance and counselling units to counter gender-based violence, which mostly comprised bullying. Local councils had dedicated social workers to strengthen programming efforts that ensured safety in schools. The Botswana Police Service had gender focal points and the Botswana Defence Force had focal points to enhance gender mainstreaming initiatives.

126. With the support of the Government, civil society organizations provided places of safety for victims of gender-based violence. The Government intended to establish and strengthen places of safety, based on the findings of the 2017 study on gender-based violence.

II. Conclusions and/or recommendations

127. **The recommendations listed below have been examined by Botswana and enjoy the support of Botswana:**

127.1 **Ratify those international instruments that Botswana had committed to ratifying during the second cycle of the universal periodic review (Madagascar);**

127.2 **Cooperate fully with treaty bodies by meeting reporting obligations as a Member State (Republic of Korea);**

127.3 **Continue to work on the implementation of its commitments to promote and protect human rights in the light of the recommendations already accepted (Sudan);**

127.4 **Consider the creation of a national follow-up mechanism for recommendations on human rights issues, which would allow for the adequate follow-up of the obligations and recommendations made by regional and universal human rights systems (Paraguay);**

127.5 **Domesticate the Convention on the Elimination of All Forms of Discrimination against Women, in order to enhance the promotion and protection of women's rights (Namibia);**

127.6 **Continue efforts to ensure that the national human rights institution that will be established will be in compliance with the Paris Principles (Portugal);**

127.7 **Expedite the establishment of a national human rights institution in conformity with the Paris Principles (Sierra Leone);**

127.8 **Intensify efforts aimed at establishing a national human rights institution in line with the Paris Principles (Ukraine);**

127.9 **Prioritize the setting-up of a national human rights institution in accordance with the Paris Principles (South Africa);**

127.10 **Step up the process of setting up a national human rights institution in conformity with the Paris Principles (Togo);**

127.11 **Accelerate the establishment of a national human rights institution in line with the Paris Principles (Afghanistan);**

127.12 **Establish, without further delay, a national human rights institution that will be in full compliance with the Paris Principles (Liechtenstein);**

127.13 **Establish a national human rights institution in line with the Paris Principles (Morocco);**

127.14 **Complete the legal procedures to establish the national human rights institution (Tunisia);**

127.15 **Complete its efforts to establish a national human rights institution in line with the Paris Principles (Greece);**

127.16 **Establish a national human rights institution that is in line with the Paris Principles by finalizing and adopting the Ombudsman Amendment Bill that will confer a human rights mandate on the Office of the Ombudsman (Thailand);**

127.17 **Make every effort to ensure that its national human rights institution is in compliance with the Paris Principles (Timor-Leste);**

127.18 **Ensure the independence of the Office of the Ombudsman as a national human rights institution in line with the Paris Principles (Canada);**

127.19 **Take concrete steps towards the finalization of the bill on the transformation of the Office of the Ombudsman into a hybrid national human rights institution (Namibia);**

127.20 **Ensure that the Office of the Ombudsman, as a national human rights institution, is independent and adequately financed in line with the Paris Principles (Germany);**

127.21 **Resource adequately the National Gender Commission established in 2016 to monitor implementation of the National Policy on Gender and Development to perform its functions effectively (Singapore);**

127.22 **Finalize the work on a Comprehensive Human Rights Strategy and National Action Plan (Turkey);**

127.23 **Finalize its plans to develop a National Human Rights Strategy and National Action Plan (Zimbabwe);**

127.24 **Take measures to improve efficiency, accountability and transparency in the public service of the country (Azerbaijan);**

127.25 **Provide trainings on human rights principles and obligations for all law enforcement officers, as well as continue to investigate allegations of human rights violations, including violations committed by police officers, and hold accountable those who are responsible (Thailand);**

127.26 **Take measures to prevent and combat all forms of discrimination, especially against women, persons with disabilities and other vulnerable groups (Italy);**

127.27 **Continue with reforms, which include introducing measures to diversify the economy and accelerate economic growth aimed at increased productivity, poverty reduction and the attainment of equitable social development (Indonesia);**

127.28 **Take active steps to ensure that public consultations on the abolition of the death penalty, including on its abolition, are held, and include information on the outcome of those consultations in its next universal periodic review report (Rwanda);**

127.29 **Renew the work towards holding a public national discussion on the death penalty (Ukraine);**

127.30 **Criminalize domestic violence and continue the elaboration and implementation of public policies to prevent, address, punish and eradicate all forms of violence against women, including building help centres for women victims of violence (Paraguay);**

127.31 **Implement further measures to combat gender-based violence and take steps to strengthen legal protections for victims of gender-based violence (Australia);**

127.32 **Train police officers and other stakeholders on the handling of reported cases of gender-based violence (Belgium);**

127.33 **Punish the authors responsible of sexual violence against women and girls (France);**

127.34 **Strengthen its domestic criminal legal system in order to effectively investigate and prosecute crimes (India);**

127.35 **Continue with efforts in the field of gender equality, especially by removing loopholes in national legislation and by encouraging participation of women in the economy and politics (Slovenia);**

127.36 **Continue to study the possibility of establishing the measures and mechanisms in order to improve the representation of women's access to decision making positions in politics (Mauritania);**

127.37 **Take the necessary measures, as a country of origin, transit and destination for human trafficking and sexual exploitation of children, to address and investigate such crimes (Syrian Arab Republic);**

127.38 **Continue to strengthen measures to combat human trafficking by providing training to service providers and stakeholders working with victims of human trafficking (Maldives);**

127.39 **Take concrete measures to prevent human trafficking and exploitation, especially of women and children (Republic of Korea);**

127.40 **Work closely with civil society and non-governmental organizations in addressing human trafficking issues (Philippines);**

127.41 **Enhance its social protection programme in areas such as targeting mechanisms, implementation procedures and coordination (State of Palestine);**

127.42 **Strengthen the economic resources of the most vulnerable so that they can live in dignity (Libya);**

127.43 **Continue taking further measures to eradicate poverty (Azerbaijan);**

127.44 **Adopt a specific policy with affirmative action measures to lift young people out of exclusion and poverty, particularly those living in rural areas (Honduras);**

127.45 **Continue working on poverty eradication initiatives with special focus on women and children (Bhutan);**

127.46 **Further strengthen policies aimed at poverty eradication (Georgia);**

127.47 **Adopt measures to improve the quality of water (Timor-Leste);**

127.48 **Continue efforts to ensure the right to safe drinking water and sanitation by adopting, in this regard, a national water supply policy that includes a strategy for its sustainable management and measures to improve its treatment (Spain);**

127.49 **Adopt a national water policy, elaborating a long-term strategy to manage this resource in a sustainable manner (Senegal);**

127.50 **Adopt policies aimed at improving the quality of water and introduce a systematic monitoring system for water treatment (Holy See);**

127.51 **Take necessary measures to improve access to health, particularly for vulnerable groups, including children and women (Algeria);**

127.52 **Broaden access to emergency obstetric care, improve midwifery training for medical personnel and consider increasing resources assigned to maternal health (Russian Federation);**

127.53 **Work at improving health-care infrastructure, access to emergency obstetric care, midwife training and resources devoted to maternal health (Holy See);**

127.54 **Further improve the health-care infrastructure in Botswana and pay special attention to awareness-raising programmes among women and adolescent girls in rural areas for addressing the challenge of HIV/AIDS (India);**

127.55 **Further strengthen its national programme to reduce HIV prevalence, especially among young people (Indonesia);**

127.56 **Strengthen the policies to combat HIV/AIDS (Senegal);**

127.57 **Maintain the Government's programmes on combating HIV/AIDS with the support of the World Health Organization and other international partners (Ukraine);**

127.58 **Take further steps to ensure the right to health, particularly by combating the scourge of HIV/AIDS (Azerbaijan);**

127.59 **Continue to take action to promote awareness-raising programmes for the prevention of HIV/AIDS (Myanmar);**

127.60 **Strengthen targeted interventions on vulnerability to HIV and gender-based violence (Ethiopia);**

127.61 **Continue efforts to promote comprehensive education policies, particularly by implementing the national strategic education plan (2015–2020) (Brazil);**

127.62 **Improve the quality of education (Iraq);**

127.63 **Promote human rights education and awareness-raising for the public, including schools, through government ministries and other bodies (Ghana);**

127.64 **Continue efforts to implement Committee on the Elimination of Discrimination Against Women obligations and promote and protect the rights of women (Maldives);**

127.65 **Continue to put emphasis on gender equality and ensuring the rights of women and girls, including better access for them to education, aside from committing greater budgetary resources to the Women's Economic Empowerment Programme (Malaysia);**

127.66 **Take measures aimed at ending violence against women and girls and the discrimination suffered by them by influencing traditional practices that undermine gender equality and promoting greater participation of women in all sectors of society (Spain);**

127.67 **Continue efforts to combat discrimination against women and achieve gender equality (Tunisia);**

127.68 **Continue efforts to achieve gender equality and the empowerment of women (Egypt);**

127.69 **Continue to strengthen programmes for the economic empowerment of women (Cuba);**

127.70 **Pursue the implementation of plans and strategies to promote the rights of the child (Cuba);**

127.71 **Continue conducting the situational analysis of the National Plan of Action for Orphans and Vulnerable Children (Slovenia);**

127.72 **Allocate dedicated funding to the National Plan of Action for Orphans and Vulnerable Children for more effective implementation (Singapore);**

127.73 **Implement gender equality policies that foster girls' access to health and education and raise awareness among the population about sexual and gender-based violence (Mexico).**

128. **The following recommendations will be examined by Botswana, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council:**

128.1 **Enhance efforts to conform to the international standards concerning human rights, also by continuing the ratification process of the main international instruments (Italy);**

128.2 **Consider initiating the processes of ratification of the main human rights treaties that have not been ratified (Paraguay);**

128.3 **Become a party to international human rights instruments to which Botswana has not as yet become a party (Niger);**

128.4 **Ratify the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

128.5 **Consider the ratification of the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and incorporate these instruments into its national legislation (Burkina Faso);**

128.6 **Ratify the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Mexico);**

128.7 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and harmonize its national migration policy with the principles espoused in the Convention (Philippines);**

128.8 **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (Denmark);**

128.9 **Intensify efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia);**

128.10 **Consider acceding to the Convention on the Rights of Persons with Disabilities (Ethiopia);**

128.11 **Accelerate the process of accession to the Convention on the Rights of Persons with Disabilities (Georgia);**

128.12 **Speed up the process of accession to the Convention on the Rights of Persons with Disabilities (Azerbaijan);**

128.13 **Consider ratifying the Convention on the Rights of Persons with Disabilities (Mauritius);**

128.14 **Ratify the Convention on the Rights of Persons with Disabilities (Morocco);**

128.15 **Continue the process of ratification of international conventions to which this country is not yet a party, especially the ratification of the International Covenant on Economic, Social and Cultural Rights (Gabon);**

128.16 **Ratify the International Covenant on Economic, Social and Cultural Rights (Angola) (Armenia) (Egypt) (Iraq);**

128.17 **Ratify the International Covenant on Economic, Social and Cultural Rights and the Convention against Discrimination in Education (Honduras);**

128.18 **Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and the Convention on the Rights of Persons with Disabilities (Portugal);**

128.19 **Ratify the 1961 Convention on the Reduction of Statelessness (Sierra Lone);**

128.20 **Accede to and domesticate the 1961 Convention on the Reduction of Statelessness to address child statelessness and lack of nationality (Kenya);**

128.21 **Accede to the 1961 Convention on the Reduction of Statelessness (Slovakia);**

128.22 **Accede to the 1961 Convention on the Reduction of Statelessness (Côte d'Ivoire);**

128.23 **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

128.24 **Consider ratifying the Convention on the Prevention and Punishment of the Crime of Genocide in view of the upcoming seventieth anniversary of its adoption (Rwanda);**

128.25 **Ratify the Convention against Discrimination in Education (Senegal);**

128.26 **Extend a standing invitation to the special procedure mandate holders (State of Palestine);**

128.27 **Extend a standing invitation to the special procedure mandate holders (Honduras);**

128.28 **Issue an open standing invitation to the special procedures of the Human Rights Council (Ukraine);**

128.29 **Issue a standing invitation to the special procedures of the Human Rights Council (Portugal);**

128.30 **Issue a standing invitation to the special procedure mandate holders (Montenegro);**

128.31 **Fully cooperate with the United Nations human rights mechanisms and, in particular, invite the Special Rapporteur on the situation of human rights defenders to conduct visits, and ensure that there are unhindered visits with human rights defenders (Chile);**

128.32 **Recognize the competence of the Committee against Torture to receive individual communications under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Morocco);**

128.33 **Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

128.34 **Consider developing, in consultation with Parliament and civil society, a policy framework to guide practices and procedures concerning international treaty processes that creates rights and obligations under international law (Ghana);**

128.35 **Adopt a national action plan on the implementation of Security Council Resolution 1325 (2000) (Portugal);**

128.36 **Finalize domestic implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Turkey);**

128.37 **Take the necessary steps to incorporate into domestic law those international human rights conventions that Botswana has ratified (Slovakia);**

128.38 **Accelerate ongoing efforts to domesticate the provisions of the international human rights treaties to which it is a party (Zimbabwe);**

128.39 **Incorporate into domestic law those international human rights conventions that Botswana has ratified, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, making them directly applicable to the courts and administrative authorities (Greece);**

128.40 **Incorporate into domestic law those international human rights conventions that had been ratified, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights, making them directly applicable to the courts and administrative authorities (Zambia);**

128.41 **Ensure full incorporation of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women into national legislation (Afghanistan);**

128.42 **Continue efforts to domesticate ratified human rights conventions such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights (Kenya);**

128.43 **Adopt laws to incorporate into its national legislation the international human rights instruments to which it is party (Niger);**

128.44 **Include provisions of international human rights treaties ratified by Botswana in national legislation, in order to ensure their applicability in courts and administrative organs (Russian Federation);**

128.45 **Further consolidate its social and human rights policies, particularly in the area of economic, social and cultural rights, in order to improve the quality of life, particularly of the most vulnerable groups of its population (Bolivarian Republic of Venezuela);**

128.46 **Continue to address concerns about discrimination based on sex, sexual orientation or gender identity (Philippines);**

128.47 **Authorize sex changes (France);**

128.48 **Continue to fully implement various international human rights instruments, particularly the Convention on the Elimination of All Forms of Discrimination against Women and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with a view to reducing gender-based violence (Indonesia);**

128.49 **Raise the minimum age of criminality (Turkey);**

128.50 **Disseminate further the legal aid programme aimed at promoting access to justice, increase the number of offices for legal aid throughout the country and extend the mandate of the legal aid programme to include criminal issues (Algeria);**

128.51 **Ensure that all journalists can report freely on government activities without threat or harassment (United States of America);**

128.52 **Improve legal protections for journalists, especially those receiving information from whistle-blowers or covering government protests (Australia);**

128.53 **Refrain from using criminal charges to obstruct freedom of information and expression, including for journalists who receive information from whistle-blowers (Netherlands);**

128.54 **Enlarge the space for participation of civil society for more democratic governance and social inclusion (Republic of Korea);**

128.55 **Create mechanisms to increase the representation of women in positions of responsibility (Togo);**

128.56 **Increase women's representation in decision-making positions, in particular in the areas of access to water and services (Iraq);**

128.57 **Amend the 2009 Children's Act to include the definition of child trafficking and to criminalize the worst forms of child labour (United Kingdom of Great Britain and Northern Ireland);**

128.58 **Take effective measures to prevent trafficking in human beings and to rehabilitate victims (Russian Federation);**

128.59 **Amend the Trade Disputes Act and Trade Unions and Employees Organizations Act to conform to international standards, including protecting workers' right to organize (United States of America);**

128.60 **Take effective measures to improve the condition of migrant workers in compliance with international standards (Holy See);**

128.61 **Strengthen further its efforts in the area of poverty eradication, including by strengthening and addressing shortcomings highlighted in the poverty-eradication programmes (Malaysia);**

128.62 **Widen the programmes to combat HIV for non-Botswana nationals (France);**

128.63 **Affirm that there is no international human right to abortion, resist calls to liberalize abortion and further implement laws aimed at protecting the right to life of the unborn child (Kenya);**

128.64 **Take all appropriate measures to ensure children's equal access to quality education, including, when possible, education in their own language (Finland);**

128.65 **Adopt measures based on the principle of gender equality that protect women's rights and safety and punish any discriminatory or harmful practice against them (Uruguay);**

128.66 **Review laws in order to stop violations of women's rights in the areas of adoption, marriage, divorce, burial and devolution of property on death and other personal law matters (Honduras);**

128.67 **Establish a comprehensive monitoring mechanism on the treatment of children, with the aim of disclosing cases of sexual abuse, mistreatment and neglect, including by introducing the possibility of taking children out of an environment which is not conducive for their development (Germany);**

128.68 **Take effective measures to end violence against children, including sexual abuse and exploitation (Myanmar);**

128.69 **Increase efforts to promote the rights and well-being of indigenous peoples (Philippines);**

128.70 **Strengthen measures to protect minorities and indigenous people living in the country (Benin);**

128.71 **Strengthen programmes that are aimed at preserving and reinforcing the rights of people belonging to minorities (France);**

128.72 **Ensure that indigenous peoples receive proper access to public services and water, and repeal the hunting ban, as recommended by the United Nations Special Rapporteur (Canada);**

128.73 **Adopt legislative and normative acts to ensure the right of all children to acquire citizenship and ensure that no child is born stateless (Russian Federation);**

128.74 **Amend its legislation in order to grant nationality to any child born in Botswana who would otherwise be stateless, as well as to foundlings (Sierra Leone);**

128.75 **Amend the Citizenship Act and the citizenship regulations in accordance with the Convention on the Rights of the Child, so as to ensure every child's right to a nationality (Belgium);**

128.76 **Adopt legislative measures, administrative measures and programmes which ensure the registration of all children born within its borders, regardless of their parents' migratory status or nationality, including refugees, foundling children and those born outside of hospitals (Mexico).**

129. **The following recommendations made during the interactive dialogue are noted by Botswana:**

129.1 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the International Convention for the Protection of All Persons from Enforced Disappearance (Slovakia);**

129.2 **Ratify the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol thereto, aiming at the abolition of the death penalty, and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (Spain);**

129.3 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and observe a moratorium on the death penalty in the interim (South Africa);**

129.4 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Togo) (Côte d'Ivoire) (Liechtenstein);**

129.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and take the necessary measures to repeal the death penalty from its legislation (Argentina);**

129.6 **Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and adopt a formal moratorium and commute all death sentences to prison terms (Sweden);**

129.7 **Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (Denmark);**

129.8 **Continue efforts to harmonize laws and review the dual system between customary law and common law in order to remove contradictions and inconsistencies (Tunisia);**

129.9 **Adopt specific legislation to protect victims of violence and other human rights violations committed against persons on the basis of their real or imputed sexual orientation or gender identity, in line with resolution 275 of the African Commission on Human and Peoples' Rights (Netherlands);**

129.10 **Eliminate normative exceptions and practices contrary to the principle of non-discrimination which are not in line with international human rights treaties (Ecuador);**

129.11 **Enact legislation to eliminate discrimination on the basis of sexual orientation and gender identity (Australia);**

129.12 **Ensure the adoption of specific legislation to fight discrimination, hate speech and violence based on sexual orientation and gender identity (Brazil);**

129.13 **Protect lesbian, gay, bisexual, transgender and intersex persons from discrimination by amending sections 164, 165 and 167 of the Penal Code of Botswana to decriminalize same-sex activities among consenting adults and by explicitly including sexual orientation and gender identity as listed grounds of non-discrimination in section 3 of the Constitution (Germany);**

129.14 **Prohibit discrimination towards the lesbian, gay, bisexual, transgender and intersex community, at the same time ensuring the full respect of everyone's human rights, regardless of their sexual orientation or gender identity (Uruguay);**

129.15 **Initiate awareness-raising activities for the general public on the human rights of lesbian, gay, bisexual, transgender and intersex persons, in order to prevent stigmatization and discrimination and to support civil society actors in similar efforts (Finland);**

129.16 **Abolish the death penalty (France) (Honduras);**

129.17 **Consider abolishing the death penalty (Mozambique);**

129.18 **Give due consideration to the legal abolition of the death penalty and to the commutation of all death sentences to terms of imprisonment (Liechtenstein);**

129.19 **Impose a moratorium on the use of the death penalty (Montenegro);**

129.20 **Establish an official moratorium on executions and abolish the death penalty (Germany);**

129.21 **Establish a moratorium on the application of the death penalty, with a view to holding informed debates about its full abolition (Mexico);**

129.22 **Establish a moratorium on the death penalty as a first step towards its full abolition and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal);**

129.23 **Agree to a moratorium on the death penalty as a first step towards its ultimate abolition, as previously recommended (Ireland);**

129.24 **Impose a country-wide moratorium on the death penalty that immediately halts all sentences and executions, with a view toward complete abolition of the death penalty (Iceland);**

129.25 **Consider implementing a moratorium on the death penalty (Ghana);**

129.26 **Enact a moratorium on the use of the death penalty, with a view to abolishing it, and enhance the promotion and the protection of the right to life (Holy See);**

129.27 **Establish a formal moratorium on the death penalty, as a step towards complete abolition of this practice (Australia);**

129.28 **Establish and implement a moratorium on executions as a first step towards the abolition of the death penalty (Belgium);**

129.29 **Establish a moratorium on the use of the death penalty, with a view to its abolition in law and practice (Chile);**

129.30 **Establish a moratorium on executions, with a view to fully abolishing the death penalty, as previously recommended (Estonia);**

129.31 **Consider a moratorium on the death penalty, with a view to its legal and practical elimination (Ecuador);**

129.32 **Repeal the death penalty and consider a moratorium pending its complete abolition (Canada);**

129.33 **Hold public consultations on the use of the death penalty and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay);**

129.34 **Consider initiating an inclusive public discussion on the implementation of a moratorium on the death penalty with the aim of abolishing it (Angola);**

129.35 **While welcoming the public debates on the death sentence, Namibia encourages Botswana to consider placing a moratorium on executions, commute all death sentences to other sentences and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Namibia);**

129.36 **Promote a national debate on the death penalty, with a view to establishing a moratorium on executions (Italy);**

129.37 **Abolish the death penalty definitively, hold a public debate to that end, and, in the meantime, humanize the process to mitigate the suffering of the persons sentenced and their families (Spain);**

129.38 **Take measures to eliminate all forms of sexual and gender-based violence, including through criminalizing marital rape, investigating and prosecuting all acts of sexual violence and providing training to law enforcement officials on sexual and gender-based violence (Canada);**

129.39 **Take urgent steps to address gender-based violence, including the creation of an act that makes marital rape illegal in Botswana (United Kingdom of Great Britain and Northern Ireland);**

129.40 **Enact specific legislation on marital rape and ensure that all violence against women and girls constitutes a criminal offence, as previously recommended (Ireland);**

129.41 **Abolish the practice of corporal punishment by introducing appropriate changes to legislation (Russian Federation);**

129.42 **Explicitly prohibit corporal punishment of children in all settings, including in the home, schools and penal institutions (Estonia);**

129.43 **Outlaw corporal punishment in all settings (Kenya);**

129.44 **Take legislative measures to prohibit all forms of corporal punishment against children and to conduct awareness-raising campaigns to**

ensure that non-violent forms of discipline are administered in a manner consistent with the child's dignity (Liechtenstein);

129.45 **Decriminalize consensual, same-sex sexual acts (Sweden);**

129.46 **Decriminalize same-sex sexual activities and ensure non-discrimination in accordance with Botswana's domestic and international human rights obligations (Iceland);**

129.47 **Repeal laws that criminalize consensual, same-sex conduct between adults and ensure all legislation, policies and programmes do not discriminate on the bases of sexual orientation or gender identity (Canada);**

129.48 **Decriminalize consensual sexual relations between people of the same sex and act to stop the discrimination suffered by people because of their sexual orientation (Spain);**

129.49 **Analyse modifying the legislation that criminalizes sexual relations between adults of the same gender in order to guarantee the rights of lesbian, gay, bisexual, transgender and intersex persons (Argentina);**

129.50 **Repeal the law repressing homosexuality (France);**

129.51 **Build upon recent court decisions upholding the human rights of transgender persons and take action to decriminalize lesbian, gay, bisexual, transgender and intersex status or conduct (United States of America);**

129.52 **Provide sustainable solutions to alleviate poverty and reduce high unemployment rates (20 per cent of the total of those able to work) (Syrian Arab Republic);**

129.53 **Widen the scope of poverty eradication programmes and increase the budget assigned to them (Turkey);**

129.54 **Constitutionally guarantee the right to education of children and adolescents (Chile);**

129.55 **Enshrine the right to education in its Constitution (Timor-Leste);**

129.56 **Ensure that the right to education, which is a fundamental human right, is enshrined in its Constitution, and that the right to basic and further education for all is protected (State of Palestine);**

129.57 **Ensure education and equal rights for all citizens in its Constitution (Syrian Arab Republic);**

129.58 **Lift its reservations on the Convention relating to the Status of Refugees, with a view to amending the policy of holding asylum seekers and refugees in camps and to providing them with work permits and decent job opportunities (Honduras).**

130. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Botswana was headed by Hon. Edwin J. Batshu: Minister of Nationality, Immigration and Gender Affairs and composed of the following members:

- H.E. Athaliah L. Molokomme: Permanent Representative of Botswana to the United Nations Office and other international organizations in Geneva;
- Mr. Dittah Legomela Molodi: General Council, Ministry for Presidential Affairs, Governance and Public Administration;
- Ms. Benetia Chingapane: Director, Department of Multilateral Affairs, Ministry of International Affairs and Cooperation;
- Ms. Ruth Radibe: Director, Department of Social Protection, Ministry of Local Government and Rural Development;
- Ms. Thapelo Phuthego: Director, Department of Gender Affairs, Ministry of Nationality, Immigration and Gender Affairs;
- Mr. Phologo J. Gaumakwe: Deputy Permanent Representative of Botswana to the United Nations Office and other international organizations in Geneva;
- Ms. Chipo Petlo: Acting Director, Department of HIV/AIDS Prevention and Care;
- Mr. Madoda Nasha, Deputy Manager-Trafficking in Persons, Ministry of Defence, Justice and Security;
- Ms. Gwiso Dube, Legal Advisor, Ministry of International Affairs and Cooperation;
- Mr. Bolokang Motshwane, First Secretary, Permanent Mission of Botswana to the United Nations Office and other international organizations in Geneva;
- Ms. Bokani Sesinyi, First Secretary, Permanent Mission of Botswana to the United Nations Office and other international organizations in Geneva.

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Report of the Working Group on the Universal Periodic Review*

Bahamas

* The annex is being circulated without formal editing, in the language of submission only.

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of the Bahamas was held at the 6th meeting, on 17 January 2018. The delegation of the Bahamas was headed by the Attorney General and Minister of Legal Affairs, Carl Wilshire Bethel. At its 10th meeting, held on 19 January 2018, the Working Group adopted the report on the Bahamas.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Bahamas: Chile, Qatar and Senegal.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Bahamas:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/BHS/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/BHS/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/BHS/3).

4. A list of questions prepared in advance by Belgium, Brazil, Germany, Liechtenstein, Portugal, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to the Bahamas through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of the Bahamas stated that, in August 2012, it had reconstituted the Constitution Reform Commission to conduct a comprehensive review of its Constitution and recommend changes. That body had submitted its recommendations in July 2013. Subsequently, a constitutional referendum had been held in June 2016 to address some of the Commission's recommendations concerning gender equality. However, the amendment bills had each been defeated by large margins.

6. In November 2017, it had announced its intent to amend the Bahamas Nationality Act, with a view to promoting gender equality regarding the conferral of nationality upon children.

7. The Bahamas maintained its position on the retention of the death penalty. It continued to recognize its lawfulness as a punishment for the crimes of murder and treason, on a discretionary basis and subject to the conditions laid down in case law.

8. Since the enactment of the Correctional Services Act, 2014, corporal punishment as a disciplinary measure for prisoners had been repealed. Additionally, the Early Childhood Care (National Standards) Regulations, 2015, had been enacted, prohibiting the use of corporal punishment in day-care centres and preschools. At present, the Bahamas still allowed corporal punishment in elementary, secondary and senior school, but only when administered by the Principal or Administrator and subject to stringent rules.

9. The Rome Statute of the International Criminal Court continued to be under active review by the Office of the Attorney General and the Ministry of Legal Affairs.

10. The Bahamas had received a number of recommendations concerning discrimination on the grounds of sexual orientation and gender identity. No formal reports had been lodged of discrimination on the basis of sexual orientation with the Royal Bahamas Police Force, the

Labour Board or the Ministries of Education or Health, indicating that no such cases were before the judiciary.

11. The national community of lesbian, gay, bisexual, transgender, queer and intersex persons had a platform on which members represented their groups in a number of national and regional organizations. Moreover, persons in same-sex relationships were able to avail themselves of the regular protection and remedies available under the law.

12. The Bahamas had signed and ratified the Convention on the Rights of Persons with Disabilities in September 2015. That same month, it had also acceded to two Optional Protocols to the Convention on the Rights of the Child: on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

13. The Bahamas was initiating the necessary steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

14. At present, it was not in a position to ratify the first Optional Protocol to the International Covenant on Civil and Political Rights and the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, both of which made provision to receive complaints from persons within the jurisdiction.

15. With respect to accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, it was unable to accede until it was in a position to remove its reservation to article 29 and therefore render the complaints process effectual.

16. Moreover, the Bahamas was not in a position to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which remained lawful for certain crimes.

17. The Bahamas recalled the establishment, in June 2015, of the National Reporting Cooperation Mechanism. That body, comprised of representatives from nine different government agencies and two persons from civil society, had been successful in drafting a master framework for the scheduling, preparation and submission of the required reports.

18. The Bahamas recalled the submission, in April 2017, of its sixth national report on the Convention on the Elimination of All Forms of Discrimination against Women. Drafts were available for the outstanding reports for several human rights instruments, and the Bahamas committed to submitting most of those reports in the following months.

19. The reports on its implementation of the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography were being drafted.

20. The Special Rapporteur on violence against women, its causes and consequences had visited the country in December 2017. A preliminary report had been shared at the conclusion of her visit. The Bahamas welcomed the final report, which was to be presented to the Human Rights Council at its thirty-eighth session.

21. The Bahamas had tabled the Ombudsman Bill, 2017. The Office of Ombudsman was designed to provide a direct source of relief wherever people had legitimate grievances due to the actions or inactions of the Government or any agency thereof.

22. A Bill establishing the first-ever Integrity Commission had been tabled in the House of Assembly.

23. Moreover, the Bahamas had facilitated Orange Day to commemorate the International Day for the Elimination of Violence against Women to raise awareness about violence against women and girls. It had further observed the 16 Days of Activism against Gender-based Violence, which had been implemented in partnership with several non-governmental organizations (NGOs).

24. The Bahamas provided statistics to illustrate the effectiveness of the Swift Justice initiative: in 2015, 232 matters had been disposed before the Supreme Court — 114 more cases than in 2012.

25. The time frame for presenting a voluntary bill of indictment had been reduced from 344 days in 2012 to 68 days in 2016, a big step towards the end goal of 30 days.

26. In an effort to tackle the backlog of cases, a Backlog Task Force had been established to closely review all outstanding cases and make determinations on how they should proceed. Furthermore, there were 10 criminal courts operating in the Bahamas Supreme Court, up from 6 in 2012.

27. The Office of the Public Defender had been established in January 2017. That body was specifically dedicated to defending the accused and easing the reliance on the Crown brief system.

28. The Witness Care Division was operating under a new system of keeping in regular contact with witnesses and had a defined Witness Care Road Map. Increased protection was in place for witnesses through new witness protection and witness anonymity legislation and policies.

29. With regard to reports of excessive use of force by police officers, the Complaints and Corruption Branch was responsible for investigating complaints made by members of the public against members of the Police Force. Complaints made in 2016 had declined by 11.17 per cent in comparison with 2015. Nevertheless, the Bahamas acknowledged that there were deficiencies in the Complaints and Corruption Branch due to a lack of oversight, and was therefore reviewing that body.

30. The Bahamas was in the process of drafting an amendment to the Bahamas Nationality Act to provide for all minor children of Bahamian males or females, born anywhere in the world, regardless of their parents' marital status, to be granted Bahamian nationality upon application.

31. The Bahamas supported the efforts of all persons who wished to access higher education, inter alia by offering various scholarships. Furthermore, the Bahamas employed "open schooling", complemented by distance education. Under the Ministry of Education, there was a Distance Education Unit in the Learning Resources Section, which sought to enhance education and provide education to all. A percentage of education expenditure was used to promote human rights.

32. The Bureau of Women's Affairs had been upgraded to the Department of Gender and Family Affairs in October 2016 within the Ministry of Social Services and Community Development and its budget had been more than tripled.

33 In February 2016, the Bahamas had approved a national strategic plan to address gender-based violence. The plan covered all forms of violence, as it related to women and girls throughout the country.

34. The Bahamas was aware of the concerns of the Human Rights Council and the treaty bodies with respect to marital rape. It was therefore pleased to report that an amendment to the Sexual Offences Act provided for the offence of "spousal sexual abuse". Although the proposed offence was not labelled as "marital rape", it still had all of the elements of the offence of rape. Marital rape in the context of a subsisting marriage would now be criminalized as "spousal sexual abuse". Consultations were ongoing with a view to criminalizing the issue as a form of "spousal sexual abuse".

35. Since the previous review period, additional buildings had been constructed at the Carmichael Road Detention Centre to alleviate housing and maintenance issues. Moreover, the establishment of a full-time medical facility at the Centre had significantly reduced the spread of such communicable diseases as scabies.

36. Women detainees with children were kept in separate accommodation, in keeping with international standards. In 2014, the Department of Immigration had established a safe house for that purpose outside the Carmichael Road Detention Centre.

37. The immigration (detention centre) regulations, 2018, had been drafted and human rights issues had been enshrined in those regulations. The regulations clearly identified the welfare, privileges and duties of detainees, including, but not limited to, clothing, food, education and religion.

38. The Bahamas was the very first country within the Caribbean region to develop International Civil Aviation Organization machine-readable travel documents for refugees (as defined under the 1951 Convention relating to the Status of Refugees).

39. Amendments to the Immigration Act were being finalized, which would, on the one hand, increase penalties for persons who harboured or employed undocumented workers but which, on the other hand, would also provide clear legal remedies to undocumented migrants by limiting the time frames in which they might be administratively detained by an immigration officer pending deportation.

40. One of the responsibilities of the National Reporting Cooperating Mechanism was to engage with the Vision 2040 National Development Plan. That Plan provided a road map for the country's future development and included a comprehensive policy framework that would guide government decision-making and investment over the next quarter century.

41. The Bahamas concluded by reassuring Council members of its commitment to the promotion and protection of human rights and fundamental freedoms.

B. Interactive dialogue and responses by the State under review

42. During the interactive dialogue, 54 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

43. Armenia appreciated the steps taken by the Bahamas in order to prevent and combat trafficking in persons, in particular awareness-raising activities and victim-protection programmes. It noted the remaining challenges in the area and encouraged the Bahamas to take further measures in that regard.

44. Australia commended the Bahamas for its recent steps aiming at progressing human rights, including to promote gender equality through a constitutional amendment. It remained concerned at the scale of violence — particularly sexual violence — perpetrated against women.

45. Azerbaijan appreciated the measures taken by the Bahamas to implement the recommendations made during the second cycle of the universal periodic review. It noted with appreciation the approach centred on the Sustainable Development Goals that the Bahamas had deployed on measures designed to advance human rights, in particular the Vision 2040 National Development Plan.

46. Barbados noted the significant effort that the Bahamas had made to further strengthen the legal and institutional framework for human rights within its administrative and financial capabilities. It noted the progress made in enhancing protection for children through the establishment of the National Committee for Families and Children. It also noted the efforts made by the Bahamas in approving a national strategic plan to eliminate gender-based violence.

47. Belgium acknowledged that positive steps had been taken by the Bahamas with respect to the implementation of recommendations accepted during its second universal periodic review. It was convinced that further progress could still be achieved to increase the protection of human rights in line with the international human rights treaties.

48. Benin welcomed the diverse measures and initiatives that the Bahamas had taken with respect to the enjoyment of human rights after its previous universal periodic review in 2013.

49. Brazil commended the Bahamas for its commitment to fight corruption and increase transparency in the conduct of public affairs. It recognized the challenges that the Bahamas faced in ensuring the progressive achievement of economic, social and cultural rights, and encouraged the adoption of comprehensive policies in the context of the 2030 Agenda for Sustainable Development.

50. Canada welcomed the positive steps that the Bahamas had taken, including accession to two Optional Protocols to the Convention on the Rights of the Child in 2015 and ratification of the Convention on the Rights of Persons with Disabilities. It recognized the steps that the Bahamas had taken to address gender-specific human rights concerns.

51. Chile congratulated the Bahamas for its normative and institutional advances, such as the establishment of the National Committee for Families and Children. It noted the measures that the Bahamas had taken in order to advance the final ratification of the Convention against Torture.

52. China welcomed the adoption of the Vision 2040 National Development Plan by the Bahamas. It welcomed the social and economic development that had been achieved in the Bahamas as regards education, health, women, children, persons with disabilities, combating violence against women and trafficking in persons.

53. Côte d'Ivoire welcomed the legislative, institutional and administrative reforms made by the Bahamas in order to ensure better protection of human rights. It particularly welcomed the adoption, in 2014, of the Persons with Disabilities (Equal Opportunities) Act. It urged the Bahamas to strengthen legislation to extend full enjoyment of human rights, especially to women, children, migrants and asylum seekers.

54. Cuba underscored the adoption of legislation such as the Persons with Disabilities (Equal Opportunities) Act, 2014, and the amendment to the Justice Protection Act. It recognized advances in gender equality and the human rights of persons with disabilities, among others. It called on the international community to attend to the request of the Bahamas for technical assistance for development and the promotion of human rights.

55. Denmark stressed that ensuring full and effective gender equality and the protection of women and girls against all forms of discrimination were crucial when seeking to advance respect and protection for human rights and must be a key objective also in relation to ensuring socially and economically sustainable societies.

56. Ecuador expressed recognition for the efforts to comply with the recommendations made in the second universal periodic review, particularly to ratify the Convention on the Rights of Persons with Disabilities, adopt the law on persons with disabilities in 2014 and establish a national commission for that group of people. It highlighted the adoption of laws to improve the administration of justice as well as the protection of children, and the results achieved with the Swift Justice initiative.

57. France welcomed the implementation by the Bahamas of the recommendations made in 2013, in particular the ratification of the Convention on the Rights of Persons with Disabilities.

58. Georgia commended the Government for the drafting and enactment of national legislation as recommended during the previous cycle, welcomed the ratification of the Convention on the Rights of Persons with Disabilities, accession to two Optional Protocols to the Convention on the Rights of the Child and the significant steps towards promoting fundamental human rights, including through cooperation with the special procedure mandate holders. It encouraged the Government to impose a de jure moratorium on the death penalty, with a view to its abolishment.

59. Germany commended the Government for its efforts to promote and protect human rights. The accession to two Optional Protocols to the Convention on the Rights of the Child, as well as the ratification of the Convention on the Rights of Persons with Disabilities, were encouraging. Germany remained concerned about a number of human rights issues.

60. Guyana congratulated the Government on the presentation of its comprehensive report to the third cycle of the universal periodic review. It highlighted the country's economic, social and political development and high human development. It congratulated the Bahamas for the progress it had made in advancing gender equality.

61. Haiti took note of the steps taken by the authorities of the Bahamas to improve the living conditions of all of the communities in the country, especially in the area of education.

62. Honduras congratulated the Bahamas for measures taken to implement previous recommendations, in particular the process of legislative reforms in the fields of human rights and education. It welcomed the adoption of the Persons with Disabilities (Equal Opportunities) Act, 2014, which established the integration of persons with disabilities in schools and gave the Ministry of Education responsibility for establishing and maintaining an integrated system of special education for those persons.

63. Iceland welcomed the progress made in the promotion and protection of human rights, including the ratification of the Convention on the Rights of Persons with Disabilities.

64. India welcomed the initiative of the Bahamas in establishing the Office of Ombudsman to provide relief to people who had legitimate grievances against the Government. It underscored the accession to two Optional Protocols to the Convention on the Rights of the Child and the establishment of the National Child Protection Council to ensure protection of the rights of all children.

65. Indonesia welcomed the approval by the Cabinet of the Bahamas for the ratification of the Convention against Torture and the ratification of the Convention on the Rights of Persons with Disabilities. It commended the establishment of the Vision 2040 National Development Plan as a comprehensive policy framework in the field of economics, governance, social policy and the environment.

66. Ireland welcomed the de facto moratorium on the use of the death penalty for a number of years, but was concerned by reports that that practice could be terminated. It encouraged the Bahamas to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. It was concerned about the continued failure by the authorities to amend national law and criminalize marital rape.

67. Israel acknowledged the efforts exerted by the Government in order to address the constant threat of natural disasters and their effect. It commended the measures taken, such as the Persons with Disabilities (Equal Opportunities) Act, 2014, the appointment of the National Committee for Families and Children and the launch of programmes, including "Say No, Then Go".

68. Italy welcomed the commitment of the Bahamas to the universal periodic review and its efforts to protect and promote human rights in the country. It underscored the ratification of the Convention on the Rights of Persons with Disabilities and the accession to two Optional Protocols of the Convention on the Rights of the Child.

69. Jamaica commended the Bahamas for its commitment to improve the quality of life of all its residents, particularly the implementation of measures covering a wide range of issues, including justice, reform and social and economic issues. It also commended the Bahamas for taking full advantage of the technical assistance provided by OHCHR, and noted that the country had submitted all its outstanding reports.

70. Japan appreciated the efforts made by the Government in the country's recovery from natural disasters, the ratification of the Bahamas of the Convention on the Rights of Persons with Disabilities and its strengthening of initiatives in that area, as well as the measures taken that emphasized upholding the principles of the rule of law, democracy and human rights in the country.

71. Maldives welcomed the legislation adopted by the Bahamas to promote and protect the rights of women and children, as well as the measures taken to address gender-based violence and the ratification of the Convention on the Rights of Persons with Disabilities, and encouraged the introduction of a national health insurance scheme.

72. Mexico welcomed the adoption of the Persons with Disabilities (Equal Opportunities) Act, 2014, the efforts made by the Bahamas to establish the Department of Gender and Family Affairs and the strengthening of the system of prosecution and prevention of trafficking in persons, and urged the Government to allocate the necessary budget and human resources for the implementation of that law.

73. Montenegro commended the Bahamas for the improved level of technical cooperation with OHCHR and its commitment to implement the Sustainable Development Goals and encouraged the Government to harmonize its national legislation, as well as strengthen women's rights and gender equality.

74. Morocco commended the constitutional and legislative reforms undertaken and highlighted the efforts under way, particularly in the following areas: human trafficking (especially, women and children), the gender perspective, domestic violence, equality and non-discrimination and the integrated protection of persons with disabilities.

75. Mozambique commended the Bahamas for its political commitment to the promotion and protection of human rights through the ratification of international human rights instruments, welcomed the approval of the national strategic plan in 2016 to address all forms of violence, as well as the Domestic Violence (Protection Orders) Act in 2007.

76. Namibia welcomed the progress made in improving human rights despite the adverse effects resulting from reoccurring hurricanes, commended the Bahamas for the peaceful change of Administration following the national general elections in 2017 and noted with concern that the constitutional referendum did not approve the proposed amendments on gender equality.

77. The Netherlands welcomed the acceptance of most recommendations made during the previous universal periodic review, although it regretted the fact that the Bahamas had rejected all previous recommendations on the establishment of a moratorium on executions or the abolition of the death penalty.

78. Peru welcomed the institutional progress made by the Bahamas in the area of education. It valued the efforts made by the Bahamas to effect constitutional change through the referendum in 2016.

79. The Philippines acknowledged the progress made by the Bahamas, in particular, its efforts at national transformation through the Vision 2040 National Development Plan. It noted the independent and impartial judiciary of the Bahamas in civil matters and acknowledged the country's independent press and judiciary, as well as the functioning democratic political system.

80. The Bahamas noted the reports of alleged widespread violence against women. It had no such information, but out of caution, it undertook to improve monitoring.

81. With respect to the establishment of a human rights institution, the Bahamas was looking carefully at the question.

82. The Bahamas explained that, in the legal framework for migrants, the priority was to avoid the indefinite detention of persons.

83. Regarding gender equality, the Bahamas stressed the need in a democracy to develop the necessary social consensus.

84. As regards human trafficking, the Bahamas was trying to establish direct bilateral relationships with law enforcement agencies in neighbouring countries.

85. The Bahamas noted that the death penalty was an emotive issue. It had been trying to raise the conviction rate, which currently stood at some 70 per cent for murder cases. It was hoped that, over time, the death penalty would no longer be necessary.

86. Portugal welcomed the approval of the national strategic plan to address gender-based violence in 2016 in the Bahamas, as well as the ratification of the Convention on the Rights of Persons with Disabilities and accession to two Optional Protocols to the Convention on the Rights of the Child.

87. The Republic of Korea commended the Bahamas for its efforts to improve access to justice, namely through the Swift Justice initiative. It also welcomed the commitments of the Bahamas to protect the rights of children and persons with disabilities.

88. Senegal congratulated the Bahamas for its progress achieved regarding the recommendations accepted after its previous universal periodic review in 2013. It also welcomed the constitutional referendum on gender equality that the Bahamas had had in June 2016.

89. Sierra Leone commended the Bahamas on its ongoing efforts to implement its Vision 2040 National Development Plan. It commended the Bahamas for the adoption of the Persons with Disabilities (Equal Opportunities) Act, 2014, and applauded the country's efforts to harmonize national legislation with international human rights obligations.

90. Singapore commended the Bahamas for its continued commitment, national efforts and international cooperation to comprehensively combat trafficking in persons. It applauded the legislative and policy measures implemented, including the Criminal Procedure Code

(Amendment) Act, 2017. It applauded the progress made by the Bahamas in advancing the rights of persons with disabilities through the signing of the Convention on the Rights of Persons with Disabilities in 2014. It stated that those measures had helped promote the rights and equal opportunities of all persons with disabilities in concrete ways, including when seeking employment.

91. Slovenia welcomed the ratification of the Convention on the Rights of Persons with Disabilities and accession to two Optional Protocols to the Convention on the Rights of the Child. It noted the willingness of the Bahamas to accede to the Convention against Torture, and to possibly accede to the Rome Statute of the International Criminal Court. It recognized the Government's efforts to facilitate the amendment of the Bahamian Constitution.

92. Spain congratulated the Bahamas for its acceptance of the visits of the special procedure mandate holders, and acknowledged the de facto moratorium on the application of the death penalty. Spain also congratulated the Bahamas for the adoption of the Persons with Disabilities (Equal Opportunity) Act, 2014.

93. Trinidad and Tobago welcomed the signature and ratification of the Convention on the Rights of Persons with Disabilities and the enactment of the Persons with Disabilities (Equal Opportunity) Act, 2014. It also recognized the substantial legislative progress achieved in respect of the access of the Family Islands to services, the administration of justice, the protection of children and addressing gender inequality.

94. Ukraine commended the Bahamas for strengthening its legal framework, inter alia, in the areas of education, health insurance and immigration, creating committees and councils tasked with ensuring children's rights and improving access to justice. Ukraine encouraged the Bahamas to maintain a consistent dialogue with civil society and recognized its high level of human development.

95. The United Kingdom welcomed the national anti-trafficking strategy and action plan and encouraged the Bahamas to increase its efforts to prosecute and convict traffickers. It also urged action to promote gender equality, including preventing discrimination on the grounds of sexual orientation and gender identity, and encouraged the new Government to take steps towards the abolition of the death penalty.

96. The United States was disappointed that many issues noted in the previous review remained unaddressed, such as the restrictions on the human rights of women and of members of marginalized communities. It was also concerned about the backlog in the criminal justice system, resulting in long pretrial detention in overcrowded jails and poor detention conditions.

97. Uruguay encouraged the Bahamas to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Second Optional Protocol to the International Covenant on Civil and Political Rights. It also encouraged the Bahamas to explicitly prohibit all forms of corporal punishment of children.

98. The Bolivarian Republic of Venezuela acknowledged the efforts of the Bahamas to implement the recommendations accepted in the previous review. It also noted that the Bahamas had ratified several international human rights instruments, had achieved a high level of human development and had guaranteed access to basic rights. It further appreciated the efforts made to eliminate violence and discrimination against women.

99. Afghanistan commended the Bahamas for its achievements since the last review. It acknowledged the launching in 2016 of the Bill on Freedom of Information and the commitment of the Bahamas to adequately reflect it in the national legal framework.

100. Algeria congratulated the Bahamas on the ratification of the Convention on the Rights of Persons with Disabilities. Algeria noted with satisfaction that, since the last review, the Bahamas had started a process of legislative reform relating to human rights and education and praised the efforts made in that area.

101. Angola commended the Bahamas for its cooperation with international human rights mechanisms and for its efforts to implement the recommendations from the last review. It

noted that the Bahamas faced numerous challenges, such as trafficking and gender equality, and hoped that the constitutional reform would help tackle them.

102. Argentina commended the Bahamas for the ratification of the Convention on the Rights of Persons with Disabilities.

103. The Bahamas thanked delegates for their questions, observations and recommendations, all of which forced the country to think how it could do things better. There were three key areas: the need to enhance gender-based equality; treatment of children; and efforts to combat human trafficking.

104. The Bahamas explained that its geographical situation as an archipelago with more than 30 different islands posed difficult problems. Notwithstanding, it vowed to do its utmost to be a responsible, productive and proactive member of the international community.

II. Conclusions and/or recommendations

105. **The following recommendations will be examined by the Bahamas, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council:**

105.1 **Building on the existing de facto moratorium on the death penalty, make this moratorium official through ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ukraine);**

105.2 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and consider the repeal of provisions allowing for the death penalty (United Kingdom of Great Britain and Northern Ireland);**

105.3 **In connection with the recommendation made in the second cycle review of the Bahamas in 2013, ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Afghanistan);**

105.4 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Portugal);**

105.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Germany);**

105.6 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

105.7 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Denmark);**

105.8 **Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Australia);**

105.9 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Italy);**

105.10 **Sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, withdraw the reservations to the Convention's articles 2 (a) and 9 (2) on nationality and move forward with the adoption of a comprehensive strategy to eliminate gender stereotypes (Spain);**

105.11 **Deposit the instrument of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible (Denmark);**

105.12 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (France) (Germany);**

105.13 **Accelerate consultations related to the ratification of the Convention against Torture (Georgia);**

105.14 **Continue taking steps towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

105.15 **Continue efforts regarding the ratification of international instruments, particularly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and regarding the human rights protection mechanisms (Morocco);**

105.16 **Accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Rome Statute, as previously recommended (Slovenia);**

105.17 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Belgium);**

105.18 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Haiti);**

105.19 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Honduras);**

105.20 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras) (Sierra Leone);**

105.21 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Japan);**

105.22 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);**

105.23 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Belgium);**

105.24 **Ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189) (Benin);**

105.25 **Accede to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1951 (Côte d'Ivoire) (Haiti);**

105.26 **Consider accession to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Peru);**

105.27 **Ratify the Convention on the Reduction of Statelessness of 1951 (Sierra Leone);**

105.28 **Ratify the Convention against Discrimination in Education (Benin);**

105.29 **Ratify and implement the International Labour Organization Protocol to the Forced Labour Convention, 1930 (No. 29) (United Kingdom of Great Britain and Northern Ireland);**

105.30 **Continue working to implement and report on the conventions and treaties to which the Bahamas is already a party (Cuba);**

105.31 **Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Armenia);**

105.32 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Belgium) (Chile);**

105.33 **With the support of OHCHR, strengthen the national coordination, implementation and reporting mechanism to ensure follow-up to the recommendations received under all United Nations human rights mechanisms (Haiti);**

105.34 **Improve the level of regular reporting to the relevant bodies on the implementation of already accepted core human rights treaties (Montenegro);**

105.35 **Report more regularly to the United Nations treaty bodies, specifically to the Committee on the Elimination of All Forms of Discrimination against Women (Netherlands);**

105.36 **Issue an open standing invitation to the special procedure mandate holders (Ukraine);**

105.37 **Make an open and permanent invitation to all the special procedures of the Council for further progress in human rights (Spain);**

105.38 **Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

105.39 **Implement as soon as possible plans to establish a national human rights institution in compliance with the Paris Principles (Germany);**

105.40 **Step up efforts in establishing a national human rights institution in line with the Paris Principles (Indonesia);**

105.41 **Establish the Office of Ombudsman with A status in accordance with the Paris Principles (Slovenia);**

105.42 **Implement the plans on the establishment of the Office of Ombudsman (Ukraine);**

105.43 **Increase efforts to combat discrimination based on gender and sexual orientation or gender identity (Chile);**

105.44 **Fight discrimination against lesbian, gay, bisexual, transgender and intersex persons (France);**

105.45 **Introduce laws to provide redress to people subject to discrimination based on their sexual orientation or gender identity (Australia);**

105.46 **Take steps to amend the definition of "discrimination" in order to include gender, sexual orientation, gender identity or expression as grounds within it (Israel);**

105.47 **Include same-sex couples in the Domestic Violence (Protection Orders) Act and repeal all provisions that discriminate against persons on the grounds of their sexual orientation (Netherlands);**

105.48 **Eliminate any legal provision that justifies discrimination for any personal issue, including issues of sexual orientation or gender identity, as previously recommended (Spain);**

105.49 **Promote strategies for the mitigation of climate change and adaptation to these changes and disseminate this information throughout the society, especially among children (Haiti);**

105.50 **Continue to take measures to reduce the vulnerabilities that small island States are typically susceptible to, including in terms of environmental issues and natural disasters, in collaboration with the international community (Japan);**

105.51 **Seek the technical and financial support needed to meet its climate change needs (Sierra Leone);**

105.52 **Establish a moratorium on the death penalty, as a step towards complete abolition of this practice (Australia);**

105.53 **Abolish the death penalty (Côte d'Ivoire);**

105.54 **Abolish the death penalty, as a continuation of the de facto moratorium applied by the Bahamas (France)**

105.55 **Impose a countrywide moratorium on the death penalty that immediately halts all sentences and executions, with a view to complete abolition of the death penalty (Iceland);**

105.56 **Take formal steps to abolish the death penalty, including by declaring an official moratorium on its use and by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ireland);**

105.57 **Consider fully abolishing the death penalty (Italy);**

105.58 **Continue working for the full abolition of the death penalty as a measure aimed at the recognition of the protection of human rights (Mexico);**

105.59 **Establish a formal moratorium on executions and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing the death penalty (Namibia);**

105.60 **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal);**

105.61 **Carry out a broad awareness campaign, disseminating different alternatives to the death penalty, with the aim of moving towards its abolition (Spain);**

105.62 **Improve prisoners' detention conditions, health care and nutrition at the Bahamas Department of Corrections in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules (Canada);**

105.63 **Strengthen efforts to prevent and combat trafficking in persons, protect the victims and guarantee their access to medical, social, legal and rehabilitation services, as well as to logistic support (Ecuador);**

105.64 **Adopt a national action plan based on a human rights approach and focused on victims to combat trafficking in persons, based on a baseline study documenting the scope and trends of human trafficking at the national level (Honduras);**

105.65 **Provide adequate and regular financing to service providers and organizations that prevent and combat human trafficking, in order to provide comprehensive assistance (Honduras);**

105.66 **Provide training to security forces, migration officers, prosecutors and judges in order to improve the identification of victims of trafficking and their protection (Israel);**

105.67 **Continue to take measures to raise awareness regarding trafficking in persons and provide support for victims (Japan);**

105.68 **Continue efforts carried out in the fight against trafficking in human beings, particularly regarding the identification of victims and provide support to victims (Morocco);**

105.69 **Continue to expand its measures to prevent trafficking in persons, in particular by improving coordination with NGOs and other relevant government departments (Singapore);**

105.70 **Consider the possibility of carrying out a national reference study in cooperation with all the stakeholders in order to evaluate the scope and trends of trafficking at the national level (Algeria);**

105.71 **Implement legal mechanisms to identify and combat the root causes of trafficking (Angola);**

105.72 **Take urgent measures to investigate and sanction all those involved in the sale and trafficking of children (Argentina);**

105.73 **Continue its efforts to encourage an open climate for a civil society that allows NGOs freedom of speech and association without fear of redress (Philippines);**

105.74 **Step up efforts to adopt legislation concerning freedom of information, in accordance with international human rights standards (Brazil);**

105.75 **Establish a system to administer juvenile justice in line with its obligations under the Convention on the Rights of the Child (Australia);**

105.76 **Create an accurate and transparent online case tracking system, in order to ensure that all criminal defendants are afforded fair trial guarantees and equality before the courts consistent with the international obligations of the Bahamas, and consider release from custody and alternatives to pretrial detention (United States of America);**

105.77 **Continue to promote social and economic sustainable development to lay a solid foundation for its people to enjoy all human rights (China);**

105.78 **Include measures aimed at ensuring transparent, efficient and accountable delivery of public services in its national development strategy (Azerbaijan);**

105.79 **Initiate gender-neutral policies relating to access to education, health, and social services (India);**

105.80 **Continue advancing in the fight against poverty, through the application of its correct social policies in favour of the welfare of its people, particularly the most vulnerable sectors (Bolivarian Republic of Venezuela);**

105.81 **Continue its efforts to strengthen the effective implementation and enforcement of the country's labour laws (Philippines);**

105.82 **Increase access to quality health-care services, particularly in rural zones (Ecuador);**

105.83 **Strengthen maternal health services (Peru);**

105.84 **Accelerate the efforts to ensure that maternal health is improved in the Bahamas, including access to quality care, prenatal care and reproductive health (Afghanistan);**

105.85 **Develop a new constitutional revision project and integrate the relevant issues related to better promotion of human rights (Senegal);**

105.86 **Continue its positive experience of investing significant resources for education while giving particular emphasis to incorporation of international human rights standards into the national education system (Azerbaijan);**

105.87 **Keep up the legislative reform on human rights and education in accordance with international standards on education (Republic of Korea);**

105.88 **Improve its public education and awareness, as well as assess all of its initiatives (Trinidad and Tobago);**

105.89 **Strengthen efforts to increase the protection of domestic workers in collaboration with regional and international partners, as appropriate, including through bilateral programmes in respect of such workers originating from those countries (Jamaica);**

105.90 **Continue to actively implement gender-equality policies to better protect women's rights (China);**

105.91 **Continue measures to guarantee equality between men and women, in accordance with international obligations (Ecuador);**

105.92 **Make legislation on abortion more lenient (France);**

105.93 **Continue efforts to promote gender equality and ensure women's rights and freedoms (Georgia);**

105.94 **Continue the process of constitutional reform to remove gender discrimination in nationality provisions and introduce safeguards to prevent statelessness (Australia);**

105.95 **Continue efforts to strengthen gender equality and eradicate discriminatory practices on gender (Portugal);**

105.96 **Ensure equal rights to women and men, in accordance with its international obligations (Slovenia);**

105.97 **Increase efforts to promote the rights and equality of women, specifically addressing the Bahamas Nationality Act, which discriminates on the grounds of gender (Uruguay);**

105.98 **Take effective measures to ensure gender equality (Angola);**

105.99 **Continue steps towards fighting violence against women by amending, in particular, article 3 of the Sexual Offences Act of 1991, which does not include marital rape or a definition of rape (France);**

105.100 **Adopt effective legal actions to address discrimination and widespread violence against women and implement the strategic plan to address gender-based violence (Germany);**

105.101 **Amend the Sexual Offences Act to criminalize marital rape (Iceland);**

105.102 **Strengthen its legislative and policy framework to ensure women's rights are promoted and protected as a national priority and, in particular, urgently consider amending the Sexual Offences Act to criminalize marital rape (Ireland);**

105.103 **Strengthen efforts to prevent and combat all forms of discrimination and violence against women, by reinforcing the legal framework on the issue, running national awareness campaigns and ensuring comprehensive investigations and prosecutions in cases of domestic violence (Italy);**

105.104 **Combat violence and discrimination against women and girls, including, among other actions, through the implementation of the action plan to address gender-based violence and the evaluation of results (Mexico);**

105.105 **Continue the efforts to overcome the challenges regarding the criminalization of marital rape and combat gender-based violence under the Government's strategic plan 2016 (Republic of Korea);**

105.106 **Pass legislation that would criminalize marital rape (United States of America);**

105.107 **Initiate the process for domestication of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (India);**

105.108 **Prohibit corporal punishment for children in all settings (Namibia);**

105.109 **Consider harmonizing the minimum age for leaving school and the minimum age for employment (Peru);**

105.110 **Implement effective measures to apply the existing legislation to protect children from abuse and neglect (Portugal);**

105.111 **Consider adopting the Model Guidelines for Sexual Offence Cases in the Caribbean Region, which follow internationally accepted best practices for the management of sexual offence cases and offer a rights-based approach to the treatment of complainants and vulnerable witnesses, including children, involved in sexual assault cases (Canada);**

105.112 **Prohibit explicitly, in any environment, corporal punishment of children and carry out awareness-raising campaigns on this topic (Chile);**

105.113 **Bring national legislation on the rights of persons with disabilities into conformity with the Convention on the Rights of Persons with Disabilities (Armenia);**

105.114 **Continue efforts regarding the rights of persons with disabilities (France);**

105.115 **Make comprehensive and effective efforts to continue to implement legislation concerning the rights of persons with disabilities (Guyana);**

105.116 **Modify the Persons with Disabilities (Equal Opportunity) Act in order to incorporate an integrating and rights-based approach to the education of persons with disabilities, recognizing their right to education and encouraging their inclusion in the ordinary education system (Honduras);**

105.117 **Explore all appropriate options to incorporate persons with disabilities into the mainstream education system (Jamaica);**

105.118 **Continue efforts to establish an enabling environment for persons with disabilities in the mainstream education system (Maldives);**

105.119 **Develop a social protection policy for the benefit of persons with disabilities and guarantee their civil, political, economic and cultural rights (Senegal);**

105.120 **Adopt the necessary measures to ensure the effective socialization and implementation of the provisions of the Persons with Disabilities (Equal Opportunities) Act (Singapore);**

105.121 **Advance the promise of drafting a law on inclusion in education for persons with disabilities based on rights (Spain);**

105.122 **Pass comprehensive anti-discrimination legislation that would protect the human rights of all, including lesbian, gay, bisexual, transgender and intersex persons and members of ethnic minority groups (United States of America);**

105.123 **Strengthen measures aimed at the protection of minorities and indigenous peoples (Benin);**

105.124 **Continue to make concrete efforts to protect migrants seeking employment from exploitation and trafficking (Guyana);**

105.125 **Review its national legislation in order to apply alternative measures to the deprivation of freedom in managing migration (Honduras);**

105.126 **Ensure that the rights of migrants and refugees are guaranteed (Italy);**

105.127 **Strengthen the framework to protect the processing of migrants, refugees, asylum seekers and suspected trafficking victims, building on existing platforms and with appropriate assistance from the international community (Jamaica);**

105.128 **Establish legislation to regulate the care of migrants and asylum seekers, in accordance with international human rights standards on the matter (Mexico);**

105.129 **Engage in data collection and sharing as they relate to migration (Trinidad and Tobago);**

105.130 **Take the necessary measures to ensure a dignified welcome for migrants in an irregular situation intercepted at sea, as well as asylum seekers (Algeria);**

105.131 **Ensure that its detention and treatment of migrants conform with its obligations under international human rights law and the Convention relating to the Status of Refugees (Canada);**

105.132 **Develop alternatives to detention for asylum seekers and refugees, as well as ensure that any restriction on their freedom of movement is applied under circumstances in which it is necessary, reasonable and proportionate (Portugal);**

105.133 **Enact asylum and refugee legislation that enables the implementation of its obligations under the Convention relating to the Status of Refugees of 1951 (Republic of Korea);**

105.134 **Apply a human rights-based approach to its immigration policy and abstain from criminalizing irregular migration (Brazil);**

105.135 **Put in place, in cooperation with the Office of the United Nations High Commissioner for Refugees, simplified naturalization procedures to ensure Bahamian citizenship to Bahamian-born children of foreign nationality within a reasonable period of time (Haiti);**

105.136 **Ensure that women are able to pass their nationality to their children on an equal footing with men, including by withdrawing the reservation to article 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women (Iceland);**

105.137 **Continue enhancing the protection of the rights of the child, in particular to ensure every child's right to nationality and citizenship (Indonesia);**

105.138 **Intensify efforts aimed at addressing the discriminatory provisions in nationality laws (Namibia);**

105.139 **Modify national laws to ensure equal nationality rights and that nationality can be passed on to Bahamian children regardless of whether or not their parent was born in the Bahamas after 1973 (Sierra Leone);**

105.140 **Continue efforts to ensure that national legislation adequately guarantees gender equality as it pertains to the conferring of nationality (Trinidad and Tobago);**

105.141 **Take the necessary measures to modify all legislation that denies or restricts the right of national women to transmit their nationality (Argentina).**

106. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of the Bahamas was headed by Senator, The Hon. Carl Wilshire Bethel, Q.C. and composed of the following members:

- Senator The Hon. Carl Wilshire Bethel, Q.C., Attorney General and Minister of Legal Affairs;
- Mr. Frank Davis, Charge d'affaires a.i/Deputy Permanent Representative, Permanent Mission of The Bahamas;
- Ms. Bernadette Butler, Minister-Counsellor, Permanent Mission of The Bahamas;
- Ms. Jewel Major, Chief Counsel, Office of the Attorney General and Ministry of Legal Affairs;
- Ms. Alicia Gibson, Assistant Counsel, Office of the Attorney General and Ministry of Legal Affairs;
- Ms. DeAndra V. Cartwright, Foreign Service Officer, Ministry of Foreign Affairs.